



ELIAS MOTSOALEDI LOCAL MUNICIPALITY

EMLM 04/2026

**PROVISION OF SOLID WASTE MANAGEMENT SERVICES FOR ELIAS MOTSOALEDI LOCAL MUNICIPALITY
FOR A PERIOD OF 36 MONTHS**

CLOSING DATE:	03 OCTOBER 2025	TIME	11H00
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NAME OF TENDERER	
TOTAL AMOUNT	
CENTRAL SUPPLIER DATABASE NUMBER	MAAA
TOTAL SPECIFIC GOAL POINTS	
CONTACT PERSON	
CONTACT NUMBER	
EMAIL ADDRESS	

ENQUIRIES REGARDING BID PROCEDURES		TECHNICAL ENQUIRIES	
DIRECTORATE: BUDGET AND TREASURY		DIRECTORATE: COMMUNITY SERVICES	
V MASILELA		M MOKHULWANE	
MANAGER: SUPPLY CHAIN MANAGEMENT		MANAGER: WASTE AND ENVIRONMENTAL SERVICES	
TEL. NUMBER	TEL.013 262 3056	TEL. NUMBER	013 262 3056
TENDER ISSUED BY			
SUPPLY CHAIN MANAGEMENT UNIT			
ELIAS MOTSOALEDI LOCAL MUNICIPALITY		P.O. BOX 48, GROBLERSDAL, 0470	

NB: ANY OBJECTIONS OR COMPLAINTS IN RESPECT WITH THIS TENDER SHOULD BE LODGED WITHIN 14 DAYS OF THE ADVERTISEMENT.

ELIAS MOTSOLEDI LOCAL MUNICIPALITY

TENDER DETAILS						
TENDER NUMBER	EMLM 04/2026					
TENDER TITLE	PROVISION OF SOLID WASTE MANAGEMENT SERVICES FOR ELIAS MOTSOLEDI LOCAL MUNICIPALITY FOR A PERIOD OF 36 MONTHS					
CLOSING DATE	03 OCTOBER 2025		CLOSING TIME		11H00	
SITE MEETING	DATE	N/A	TIME	N/A	N/A	N/A
SITE MEETING ADDRESS	N/A					
CIDB GRADING REQUIRED	N/A					
TENDER DOCUMENT FEE	R1 000.00 (if collecting from the Municipality) Free when uploading from e-tender portal		PREFERENCE POINT SYSTEM		80/20	
BID BOX SITUATED AT	MAIN OFFICES, 2 nd GROBLER AVENUE, Elias Motsoaledi Local Municipality					
OPERATING HOURS	The bid box is open during office hours, Monday to Thursday 07h30 to 16h30 Friday from 07h30 to 13h30					
OFFER TO BE VALID FOR	90	DAYS FROM THE CLOSING DATE OF TENDER.				

PLEASE NOTE:

1. Prospective suppliers must be registered on CSD prior to submitting bid (open tender)
2. Tenders that are deposited in the incorrect box will not be considered.
3. Mailed, telegraphic, telex, or faxed tenders will not be accepted.
4. No late bids after closing date and time will be accepted.
5. Bids not clearly marked and unamend will not be accepted.
6. Bids may only be submitted on the bid documentation provided by the municipality.
7. No awards will be made to a person:
 - i. Who is in the service of the state,
 - ii. If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state
 - iii. Who is an advisor or consultant contracted with the municipality or municipal entity

BIDDER’S TENDER DOCUMENTATION DECLARATION CERTIFICATION

I, the undersigned certify that the information furnished on this declaration form is correct, completed and submitted.

NAME OF REPRESENTATIVE	
POSITION / DESIGNATION	
SIGNATURE	
DATE	

T1.1 TENDER NOTICE & INVITATION
ELIAS MOTSOLEDI LOCAL MUNICIPALITY
TENDER NO: EMLM 04/2026
CLOSING DATE: 03 OCTOBER 2025 AT 11H00



PROVISION OF SOLID WASTE MANAGEMENT SERVICES FOR ELIAS MOTSOLEDI LOCAL MUNICIPALITY FOR A PERIOD OF 36 MONTHS

In terms of Section 110 of the Municipal Finance Management Act, 2003 (No. 56 of 2003), tenders are hereby invited for **PROVISION OF SOLID WASTE MANAGEMENT SERVICES FOR THE PERIOD OF THREE YEARS (36 MONTHS)**

Tender documents and specifications are available and can be obtained from CASHIERS OFFICE IN THE MAIN OFFICES, 2ND Grobler Avenue Groblersdal, P.O. Box 48, Groblersdal, 0470 (Tel: [013] 262 3056, at a non-refundable deposit of R1500.00 when the bidder request/need a document from the municipality and it is free of charge when downloaded from the e-Tender Portal. Payments can be made through bank guaranteed cheque payable to the Elias Motsoaledi Local Municipality or cash.

The closing time for receipt of tenders is **11h00 on 03 OCTOBER 2025** Telegraphic, telephonic, telex, facsimile, e-mail, unmarked and **late tenders** will under no circumstances be considered and accepted. The tender box will be emptied just after closing time on the closing date. Hereafter all bids will be public.

Any technical enquiries relating to the tender document may be directed to the Acting Senior Manager Community Services M. Mokhulwane at 013 262 3056 for technical assistance. Fully completed tender documents, clearly marked **"PROVISION OF SOLID WASTE MANAGEMENT SERVICES FOR ELIAS MOTSOLEDI LOCAL MUNICIPALITY FOR A PERIOD OF 36 MONTHS** with **"NAME of TENDERER"** must be placed in a sealed envelope and placed in the **tender box 3** on the **2nd Grobler Avenue**, Elias Motsoaledi Local Municipality, Main Offices, Groblersdal, **by no later than 11H00 on 03 OCTOBER 2025** The envelope must be endorsed with number, title and closing date as indicated above.

Bidders will be evaluated on functionality whereby **70 points** has to be attained before financial proposals can be looked at. A preferential point system shall apply whereby a contract will be allocated to a tenderer in accordance with the Preferential Procurement Policy Framework Act, Act No. 5 of 2000 and as defined in the Conditions of Tender in the tender document, read in conjunction with the Supply Chain Management Policy of Elias Motsoaledi Local Municipality where **80 points** will be allocated in respect of price and **20 points** in respect of Specific goals.

No awards will be made to a person:

- Who is not registered on the Central Supplier Database;
- Who is in the service of the state;
- If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; and/or
- Who is an advisor or consultant contracted with the municipality or municipal entity.

The municipality reserves the right to withdraw any invitation to tender and/or to re-advertise or to reject any tender or to accept a part of it. The municipality does not bind itself to accepting the lowest tender or award a contract to the bidder scoring the highest number of points



TERMS OF REFERENCE

FOR

PROVISION OF SOLID WASTE MANAGEMENT SERVICES FOR ELIAS MOTSOLEDI LOCAL MUNICIPALITY FOR A PERIOD OF 36 MONTHS

1. Background

Municipalities are required to uphold the rights of all citizens within its jurisdiction to live in an environment that is not harmful to their health or well-being. To enhance and promote environmental protection from any form of degradation as enshrined by the South African Constitution.

The objective of the National Environmental Management Waste Act 59 of 2008 directs municipalities to ensure that the above mentioned is achieved by providing reasonable measure to:

- (i) Minimize the consumption of natural resources;
 - (ii) Avoid and minimize the generation of waste;
 - (iii) Reduce, re-use, recycle and recover waste;
 - (iv) Treat and safely dispose of waste as a last resort;
 - (v) Prevent pollution and ecological degradation;
 - (vi) Secure ecologically sustainable development while promoting justifiable economic and social development;
 - (vii) Promote and ensure the effective delivery of waste services;
 - (viii) Remediate land where contamination presents, or may present, a significant risk of harm to health or the environment: and
 - (ix) Achieve integrated waste management reporting and planning;
 - (x) to ensure that people are aware of the impact of waste on their health, well-being and the environment;
 - (xi) to provide for compliance with the measures set out in paragraph (a) and
- Generally, to give effect to section 24 of the Constitution in order to secure an environment that is not harmful to health and well-being

2. Project area

Elias Motsoaledi Local Municipality provide Refuse removal services to residential (once per week) and commercial (three times per week or daily) using kerbside collection.

The services rendered is outlined as follows:

- 2.1 The collection and disposal of domestic waste
- 2.2 Skip bins
- 2.3 Street cleaning and daily litter picking and management of litter bins
- 2.4 Clearing and collection of illegal dumped waste
- 2.5 The collection and disposal of animal carcasses found on the public areas

2.1 The collection and disposal of domestic waste,

Area	Estimated No of units	Frequency
Groblersdal town (Residential)	2340	Once
Groblersdal commercials units (including living waters private school, Dynamique primary school)	454	Three times
Groblersdal Mall	1	Daily
Tafelkop mall	1	Three times

2.2 Skip bins (ad hoc basis)

Area	No. of containers	Area	Frequency
Game Centre	1	Groblersdal	Once
New Shoprite	2	Groblersdal	Twice
Old Shoprite	1	Groblersdal	Twice
Cashbuild Groblersdal	1	Groblersdal	Once
BP Garage	1	Groblersdal	Once
Sasol garage	1	Groblersdal	Once
Highveld bottling	1	Groblersdal	Once
OK Food	1	Groblersdal	Twice
JD group	1	Groblersdal	Once
Vleismark butchery	1	Groblersdal	Twice
Puma Avant	1	Groblersdal	Once
Laerskool Julian Muller	1	Groblersdal	Once
Jojo tank	1	Groblersdal	Once
Sizanani Supermarket	1	Groblersdal	Once
Nesta Food	1	Groblersdal	Once
Groblersdal taxi rank	3	Groblersdal	Thrice
Voortrekker street	2	Groblersdal	Daily
Home affairs	1	Groblersdal	once

2.3 Litter picking and street sweeping

Street	Frequency
Van Reibeck 1	Daily
Van Riebeck 2	Daily
Hereford	Daily
Voortrekker	Daily
Mark	Daily
Noord	Daily
Grobler	Daily
Eind	Daily
Klip	Daily
Groblersdal taxi rank (Local and long-distance) and bus terminals	Daily
Pieter	Daily
2 nd Avenue	Daily
Hans Abram , Sasol and Impala park	Daily
Barlow Street	Daily
Tautes	Daily
Robertson	Daily
Bank	Daily
Nywerheid	Daily
West	Daily
Chris Wild	Daily
Kanal	Daily

Please take note that the municipality might identify the street that requires litter picking from time to time

3. Scope of work

This contract provides for the supply of all labour, plant, tools, equipment/implements and management necessary to clean all allocated streets/areas within the boundaries of Groblersdal which covers the CBD, other surrounding business, residential and industrial areas as stated in the document.

The successful bidder will be expected to

- **Provide two 19 m³ REL compactor** fitted with bin lifting mechanism to service 240l bins, 1.1m³ and a top winch for 5.5m³ – 6m³ (Minimum GVM 33 000 kg) with a driver, diesel, insurance, and maintenance (wet rate) to service Groblersdal town only and other identified areas
- **Provide of One (1) 12-ton load lugger/Skip Loader** with a driver, diesel, insurance, and maintenance (wet rate) to service Groblersdal town and other identified areas **(AS AND WHEN IS REQUIRED)**
- **Provision of 30 laborers, the successful service provider will be required to provide with minimum of laborers to render refuse removal areas in various townships**
- Remove waste containers 85 litre household refuse bags and empty 240 & 85 litre bins for disposal
- Servicing (Disposal of waste and cleaning of skip bins as and when is required to prevent nuisance) of 22 X 6 m³ or 5.5 m³ skip bins as indicated on item 2.2 above **(AS AND WHEN IS REQUIRED)**
- Render refuse daily collection in the CBD area, Groblersdal Mall and Tafelkop Mall. (Including weekends and public holidays)
- Render refuse collection at least once per week for all residential dwellings (Groblersdal)
- Provision of street sweeping and litter picking daily as identified on item 2.3
- Avoid any spillage of waste during transportation, should the spillage occur, it must be attended to immediately
- Maintain the areas surrounding the skip bins clean daily
- Clear illegal dumping areas as identified by the municipality **(AS AND WHEN IS REQUIRED)**
- The successful bidder will be required to provide basic waste management training to all labourers within 90 days after the commencement of the project

Additional information

- The appointed service provider must comply with EPWP standards as requested by the Municipality
- All labourers to be employed will enter into a contract with the service provider for the duration of the project. Copies of the contract must be submitted to municipal EPWP coordinator for record keeping
- The project is labour intensive as per EPWP guidelines and work opportunities must be created for local people.
- Monthly invoices must be accompanied by monthly report
- The service provider will be required to provide labourers for the serviced areas outside Groblersdal Town **(AS AND WHEN IS REQUIRED)**
- The service provider shall comply with the Occupational Health and Safety Act.

DELIVERABLES

- **Two (02) 19 m³ REL compactor** of which one must be fitted with bin lifting mechanism to service 240l bins, 1.1m³ and a top winch for 5.5m³ – 6m³ (Minimum GVM 33 000 kg) with a driver, diesel, insurance, and maintenance (wet rate) to service Groblersdal town only and other identified areas
- **One (1) load lugger/Skip Loader** with a driver, diesel, insurance, and maintenance (wet rate) to service Groblersdal town and other identified areas
- Refuse bags, brooms, pickers and spades for street sweepers /cleaners must be provided
- All personnel to be provided with reflective personal protective clothing and equipment
- Service provider to keep records of number of households and businesses serviced per day and provide Municipal Waste Management with such report on monthly basis
- To provide paid nonaccredited training to employees on how to handle, treat and manage waste within 1st first week of the tender commission.
- Operational plan to include the following:
 - Operational hours/ shifts of work

Breakdown of staff per shift and provision of supervision
Contingency plan to address maintenance of vehicles and plant, labor, absenteeism, security,
Vehicles and equipment to be utilized as per specification

4. PENALTIES

Should any of the offences occur, the penalty fee will be deducted from the service provider monthly invoice

5.1 Should the Council incur costs because of the vehicle(s) having breakdowns that affect service delivery or not being available, the cost of service exceeding the penalty will be recovered from the Service provider.

5.2 The following penalties, which shall apply and will escalate annually with the percentage equal to the percentage escalation claimed by the Service provider

I. Round Collection

Should any service area or part thereof on the daily route not be serviced a penalty of R10 000-00 per day or part thereof will be imposed.

II. Complaints

Should a complaint other than complaints received in terms of 5.2 (I) above not be attended to within twenty- four (24) hours after written notification, a penalty of R 1 500-00 will be imposed and additional penalty of R 500-00 for every hour thereafter may be imposed.

III. Illegal dumping

Should illegal dumping not be removed within a seven (7) day cycle or within twenty - four (24) hours after written notification, a penalty of R4,000-00 will be imposed, with an additional penalty of R1,000-00 per day that the illegal dumping is not removed.

(a) The same penalty shall apply should the Service provider burn any waste.

IV. Animal carcasses

Should animal carcasses not be removed within twenty-four hours (24) hours after official notification, a penalty of R 500-00 will be imposed and an additional penalty R250-00 will be imposed for every hour the carcass is not removed.

V. Litter Picking and Street Sweeping Services

Should any litter picking route or part thereof not be serviced as per agreed schedule or any of the waste bags filled by litter pickers not be removed a penalty of R 2 000-00 per day will be imposed.

MINIMUM REQUIREMENT / QUALIFYING CRITERIA

The following are the prerequisite for the Interested Companies to qualify for evaluation:

Minimum Qualifying Requirements / Compulsory Returnable Documents:

1. Fully Completed and Signed MBD Forms with a black ink (1; 4;5; 6.1; 8 & 9).
2. Attach CSD registration report (**Detailed; NB Not Summary**).
3. Valid copy of Entity / Company registration certificate.
4. Any alteration on the tender document must be signed (**NB: Not Initialed**).
5. Every page on the tender documents must be signed (**NB: Not Initialed**).
6. Forms must be signed in Black ink.
7. Valid waste transportation permit issued by relevant authority
8. CIPC Abridged Certificate Annual returns (**Figures / Amount page**) (**NB applicable to entities that are in business for more than 12 months and must be paid before the closing date of the tender**).
9. Letter of good standing (**Compensation for Occupational Injuries and Disease Act (COIDA)**) from Department of Labour OR any company accredited by the Department of Labour.
10. Proof of public liability / indemnity cover of R5 million or higher (**Confirmation of cover not intent of cover**).
11. Annual financial statement: **if the bidder is required by law to prepare annual financial statements for auditing, their audited annual financial statements - for the past three years; or since their establishment if established during the past three years; NB (Approved/ Signed by the Member(s) / Director(s).**
12. Company Profile (**Detailing; Name of Client; Service Provided; Award Amount; Contact Person and Contact Number**).
13. Proof of Municipal rates and taxes or services charges:
 - Of the company and all of its directors not in arrears for more than 90 days or
 - Confirmation from the municipality if municipal rates and taxes are not levied (for the company and all its director(s) as per CK/Company form of address on the registration certificate or
 - if leasing, a signed lease agreement by the lessor and the lessee and Municipal rates in the name of the lessor for both company and director(s).
14. Original Certified copies of ID's of the Director(s) (**Certification not older than 3 months before the closing date**).
15. **In case of a Joint Venture**, Association or Consortium a formal contract agreement must be signed by both parties and be attached and the following must be adhered to:
 - All of the above requirements must be for both entities excluding item 9.

NB: FAILURE TO MEET ANY OF THE ABOVE REQUIREMENTS WILL LEAD TO IMMEDIATE DISQUALIFICATION,

FUNCTIONALITY

DESCRIPTION	CRITERIA	TOTAL POINTS
EXPERIENCE IN SOLID WASTE MANAGEMENT SERVICES: refuse removal i.e (Household refuse collection/ Litter Picking and Street Cleaning in town, city / Municipality) <i>(Attach Appointment letters and corresponding reference letters signed and stamped)</i> NB: If the appointment letter is rates based the reference letter should state the values of the contract / expenditure to date	<ul style="list-style-type: none"> Appointment letter above R20 Million=40 Appointment letter from R10 to R20 Million =20 	40
KEY PERSONNEL Site Manager <i>(Attach Curriculum Vitae and certified copies of qualification and ID)</i> Site Supervisor <i>(Attach curriculum Vitae and certified copies of ID, valid driver license with professional driver's permit (PrDP))</i> Safety officer <i>(Attach curriculum Vitae, certified copies of qualification and ID copy)</i> Two refuse compactor truck drivers <i>(Attach curriculum Vitae, certified ID copy and Valid driver's licence with professional driver's permit (PrDP))</i> (All certified copies not older than three months))	Site Manager <ul style="list-style-type: none"> CV and Qualification: Environmental Management / Health degree with five (05) years working experience or more in Waste Management = 10 points Site Supervisor <ul style="list-style-type: none"> CV and Qualification: Grade 12 or Matric with three (03) years or more of experience and Valid driving licence with professional driver's permit (PrDP) = 05 point Safety officer <ul style="list-style-type: none"> CV and Qualification: Diploma in Safety Management/ Environmental Health with more than three (03) years working experience = 05 points Two refuse compactor truck drivers <ul style="list-style-type: none"> Driver's Licence Valid driver's licence with professional driver's permit (PrDP) with three (03) years' experience = 05 points 	25
RESOURCES / FLEET <i>(Attach proof of ownership of the Director or Company (eNATIS for all the fleet required (if not attached no points will be allocated) or Attach letter of intent in case of hiring and proof of ownership (if not attached no points will be allocated))</i>	<ul style="list-style-type: none"> 2 x 19 m³ REL compactor = 15 Points 1 x Bakkie = 05 Points load lugger/Skip Loader = 05 Points 1 x TLB = 05 Points 1 x 10 m³ Tipper Truck = 05 Points 	35
TOTAL POINTS		100
MINIMUM QUALIFYING POINTS		70

BILL OF QUANTITY (BOQ)

DESCRIPTION	MONTHLY	ANNUAL	Year 1	Year 2	Year 3
Groblersdal refuse removal (commercial and households)	R	R	R	R	R
Provision of labour (30 labourer/General workers)	R	R	R	R	R

Services that will be required on ad hoc basis

DESCRIPTION	(UNIT) Year 1	(UNIT) Year 2	(UNIT) Year 3
Cleaning of illegal dumping areas PER 1M³	R	R	R
22 x Skip bin collection (DAILY RATE)	R	R	R
Provision of labour (1 LABOURER PER DAY)	R	R	R
TOTAL (EXCLUDING VAT)	R	R	R
15 % VAT	R	R	R
GRAND TOTAL	R	R	R

PHASE 2: PRICE AND PREFERENTIAL POINTS ALLOCATIONS

For quotes with a Rand value up to R50 000 000, the preference point system of 80/20 will apply, where 80 points will be for **(Price)** and 20 points will be for **Specific Goals** (Black, Women, Disability & people living in rural underdeveloped areas) in terms of section 2(1)(d) of the Preferential Procurement Policy Framework Act, 2000, (Act No 5 Of 2000)

Price	=	80 Points
Specific Goals	=	20 Points
Total	=	100 Points

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)
51% Black owned Company	10	
Company which 51% is owned by people living in rural underdeveloped areas	10	
TOTAL POINTS	20	

- a) MBD 1 : Invitation to tender
- b) MBD 4 : Declaration of interest
- c) MBD 5 : Declaration for procurement above R10 million
: Declaration for audited/reviewed annual financial statements
- d) MBD 6.1 : Preference points on terms of Preferential Procurement Regulation
- e) MBD 8 : Declaration of bidder's past supply chain management practices
- f) MBD 9 : Certificate of Independent Bid Determination

Ms. N.R MAKGATA Pr Tech Eng.

MUNICIPAL MANAGER

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ELIAS MOTSOLEDI LOCAL MUNICIPALITY)

BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
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DESCRIPTION	
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THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE
BID BOX SITUATED AT (STREET ADDRESS

02 GROBLER AVENUE

GROBLERSDAL

0470

SUPPLIER INFORMATION

NAME OF BIDDER	
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POSTAL ADDRESS	
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STREET ADDRESS	
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TELEPHONE NUMBER	CODE		NUMBER	
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CELLPHONE NUMBER	
------------------	--

FACSIMILE NUMBER	CODE		NUMBER	
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E-MAIL ADDRESS	
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VAT REGISTRATION NUMBER	
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TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
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<p><i>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[IF YES ENCLOSE PROOF]</p>	<p><i>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[IF YES, ANSWER PART B:3]</p>
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<p><i>TOTAL NUMBER OF ITEMS OFFERED</i></p>		<p><i>TOTAL BID PRICE</i></p>	<p>R</p>
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<p><i>SIGNATURE OF BIDDER</i></p>	<p>.....</p>	<p><i>DATE</i></p>	
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<p><i>CAPACITY UNDER WHICH THIS BID IS SIGNED</i></p>	
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BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:

TECHNICAL INFORMATION MAY BE DIRECTED TO:

CONTACT PERSON	V MASILELA	CONTACT PERSON	M. MOKHULWANE
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TELEPHONE NUMBER	013 262 3056	TELEPHONE NUMBER	013 262 3056
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E-MAIL ADDRESS	vmasilela@emlm.gov.za	E-MAIL ADDRESS	mmokhulwane@emlm.gov.za
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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.
- 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 | <input type="checkbox"/> | <input type="checkbox"/> | NO |
| 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? | YES | <input type="checkbox"/> | <input type="checkbox"/> | NO |
| 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | YES | <input type="checkbox"/> | <input type="checkbox"/> | NO |
| 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? | YES | <input type="checkbox"/> | <input type="checkbox"/> | NO |
| 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? | YES | <input type="checkbox"/> | <input type="checkbox"/> | 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.

3. Service Providers Declaration and Privacy Notice

- 3.1 I declare that I undertake to inform Elias Motsoaledi Local Municipality of any changes in my personal information.
- 3.2 I, as a Service Provider of the Municipality hereby consent that the Municipality may collect, use, distribute, process my personal information for its business purposes, which may include, but is not limited to,
- 3.2.1 internal administrative processes pertaining to services rendered or goods provided to the Municipality;
 - 3.2.2 conducting service provider vetting; and
 - 3.2.3 rendering services or providing goods to Elias Motsoaledi Local Municipality.
- 3.3 I also consent that the Municipality may share my personal information with the South African Revenue Service, Companies and Intellectual Property Commission, Department of Trade and Industry, Provincial Treasury, Black Economic Empowerment Commission, Competition Commission, South African Police Service, Banks, External Auditors, Suppliers

Vetting Agencies, relevant governance structures, relevant government institutions and legal entities which may lawfully require such information for legal obligations.

- 3.4 I understand that in terms of the Protection of Personal Information Act (POPIA) and other laws of the country, there are instances where my express consent is not necessary to permit the processing of personal information, which may be related to investigations, litigation, compliance with legislative requirements or when personal information is publicly available.
- 3.5 I will not hold the Municipality responsible for any improper or unauthorised use of personal information that is beyond its reasonable control.
- 3.6 I confirm that I have read the notice and understand the contents.

PART B

TERMS AND CONDITIONS FOR BIDDING

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.

4. I, the undersigned certify that the information furnished on this declaration form is correct.

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

DATE:

.....

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.

No.	Information	Please provide detail	
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 ²)		
3.4	Company registration number		
3.5	Tax reference number		
3.6	VAT registration number		
Note	<i>(The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.)</i>		
3.7	Are you presently in the service of the state?	Yes	No
	If yes, please furnish particulars :		
3.7.1	Name of director		
3.7.2	Service of state organization		

3.8	Have you been in the service of the state for the past twelve months?	Yes	No
-----	---	-----	----

	If yes, please furnish particulars :		
3.8.1	Name of director		
3.8.2	Service of state organization		
3.9	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
	If yes, please furnish particulars :		
3.9.1	Name of person in the service of state		
3.9.2	Relationship		
3.10	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
	If yes, please furnish particulars :		
3.10.1	Name of person in the service of state		
3.10.2	Relationship		
3.11	<i>Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?</i>	Yes	No
	If yes, please furnish particulars :		
3.11.1	Name of director		
3.11.2	Service of state organization		
3.12	Is any spouse, child or parent of the company's director trustees, managers, principle shareholders or stakeholders in service of the state?	Yes	No
	If yes, please furnish particulars:		
3.12.1	Name of director		
3.12.2	Name of relative		
3.12.3	Relationship		
3.13	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
	If yes, please furnish particulars:		

3.13.1	Name of director	
3.13.2	Related company	
Note:	<p>SCM Regulations:</p> <p>“¹In the service of the state” means to be –</p> <ul style="list-style-type: none"> (a) a member of – <ul style="list-style-type: none"> (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. <p>“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.</p>	

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

Full Name	Identity Number	State Employee Number

5. Service Providers Declaration and Privacy Notice

- 5.1 I declare that all the personal information furnished by me on this form is true and correct, and I undertake to inform Elias Motsoaledi Local Municipality of any changes in my personal information.
- 5.2 I, as a Service Provider of the Municipality hereby consent that the Municipality may collect, use, distribute, process my personal information for its business purposes, which may include, but is not limited to,
- 5.2.1 internal administrative processes pertaining to services rendered or goods provided to the Municipality.
- 5.2.2 conducting service provider vetting; and
- 5.2.3 rendering services or providing goods to Elias Motsoaledi Local Municipality.
- 5.3 I also consent that the Municipality may share my personal information with the South African Revenue Service, Companies and Intellectual Property Commission, Department of Trade and Industry, Provincial Treasury, Black Economic Empowerment Commission, Competition Commission, South African Police Service, Banks, External Auditors, Suppliers Vetting Agencies, relevant governance structures, relevant government institutions and legal entities which may lawfully require such information for legal obligations.
- 5.4 I understand that in terms of the Protection of Personal Information Act (POPIA) and other laws of the country, there are instances where my express consent is not necessary to permit the processing of personal information, which may be related to investigations, litigation, compliance with legislative requirements or when personal information is publicly available.
- 5.5 I will not hold the Municipality responsible for any improper or unauthorised use of personal information that is beyond its reasonable control.
- 5.6 I confirm that I have read the notice and understand the contents.

6. I, the undersigned certify that the information furnished on this declaration form is correct.

I accept that the state may act against me should this declaration prove to be false.

NAME OF REP: _____

SIGNATURE: _____

DATE: _____

CAPACITY: _____

**DECLARATION FOR PROCUREMENT ABOVE R10-MILLION
(ALL APPLICABLE TAXES INCLUDED)**

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire:

		Tick applicable box	
1.	Are you by law required to prepare annual financial statements for auditing?	Yes	No
1.1	If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.	Yes	No
2.	Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?	Yes	No
2.1	If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.	Yes	No
2.2	If yes, provide particulars:		
3.	Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?	Yes	No
3.1	If yes, provide particulars:		
4.	Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?	Yes	No
4.1	If yes, provide particulars:		

AUDITED/INDEPENDENTLY REVIEWED ANNUAL FINANCIAL STATEMENT DECLARATION**SECTION A - COMPANY TYPE**

	Yes	No	Comment
Is the bidder a public company? Tick applicable box			If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.
			If no, complete section B

SECTION B - PUBLIC INTEREST (PI) SCORE COMPUTATION

		Allocate points
Workforce (Number of employees in prior financial year) - 1 point per employee	Number:	
Third party liabilities – 1 point per R1 million (or portion of)	R	
Turnover – 1 point per R1 million (or portion of)	R	
Number of shareholders – 1 point per shareholder (irrespective of how many shares they hold individually).	Number:	

Total

If the PI score is more than 350, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.

If the PI score is less than 350, proceed to section C

SECTION C

Submit independently reviewed annual financial statements for the past three years or since the date of establishment if established during the past three years.

CERTIFICATION

I, the undersigned certify that the information furnished on this declaration form is correct
I accept that the state may act against me should this declaration prove to be false.

Name of representative:

Capacity:

Authorised signature (undersigned)

Date:

CERTIFICATION

I, the undersigned certify that the information furnished on this declaration form is correct
I accept that the state may act against me should this declaration prove to be false.

NAME OF REPRESENTATIVE	AUTHORIZED SIGNATURE (UNDERSIGNED)
DATE	CAPACITY

Service Providers Declaration and Privacy Notice

I declare that all the personal information furnished by me on this form is true and correct, and I undertake to inform Elias Motsoaledi Local Municipality of any changes in my personal information.

I, as a Service Provider of the Municipality hereby consent that the Municipality may collect, use, distribute, process my personal information for its business purposes, which may include, but is not limited to,

- internal administrative processes pertaining to services rendered or goods provided to the Municipality.
- conducting service provider vetting; and
- rendering services or providing goods to Elias Motsoaledi Local Municipality.
- I also consent that the Municipality may share my personal information with the South African Revenue Service, Companies and Intellectual Property Commission, Department of Trade and Industry, Provincial Treasury, Black Economic Empowerment Commission, Competition Commission, South African Police Service, Banks, External Auditors, Suppliers Vetting Agencies, relevant governance structures, relevant government institutions and legal entities which may lawfully require such information for legal obligations.
- I understand that in terms of the Protection of Personal Information Act (POPIA) and other laws of the country, there are instances where my express consent is not necessary to permit the processing of personal information, which may be related to investigations, litigation, compliance with legislative

requirements or when personal information is publicly available.

- I will not hold the Municipality responsible for any improper or unauthorised use of personal information that is beyond its reasonable control.
- I confirm that I have read the notice and understand the contents.

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).

1.2 To be completed by the organ of state

(delete whichever is not applicable for this tender).

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

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

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

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

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

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response

to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and

(e) “the Act” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

80/20 **or** **90/10**

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

80/20 **or** **90/10**

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Company which at least 51% is owned by Black	10	
Company which is at least 51% is owned by people living in rural underdeveloped areas	10	
TOTAL POINTS	20	

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

- (a) disqualify the person from the tendering process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution, if deemed necessary

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME :

DATE :

ADDRESS :
:
:

DECLARATION OF BIDDERS 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:
 - 3.1 abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - 3.2 been convicted for fraud or corruption during the past five years;
 - 3.3 willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - 3.4 been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No. 12 of 2004).
4. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the accounting officer / authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). 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	Yes	No
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No. 12 of 2004)? 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.	Yes	No
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	No
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	No
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	No
4.5.1	If so, furnish particulars:		
5.	Service Providers Declaration and Privacy Notice 5.1 I declare that I undertake to inform Elias Motsoaledi Local Municipality of any changes in my personal information. 5.2 I, as a Service Provider of the Municipality hereby consent that the Municipality may collect, use, distribute, process my personal information for its business purposes, which may include, but is not limited to, 5.2.1 internal administrative processes pertaining to services rendered or goods provided to the Municipality; 5.2.2 conducting service provider vetting; and 5.2.3 rendering services or providing goods to Elias Motsoaledi Local Municipality. 5.3 I also consent that the Municipality may share my personal information with the South African Revenue Service, Companies and Intellectual Property Commission, Department of Trade and Industry, Provincial Treasury, Black Economic Empowerment Commission, Competition Commission, South African Police Service, Banks, External Auditors, Suppliers Vetting Agencies, relevant governance structures, relevant government institutions and legal entities which may lawfully require such information for legal obligations. 5.4 I understand that in terms of the Protection of Personal Information Act (POPIA) and other laws of the country, there are instances where my express consent is not necessary to permit the processing of personal information, which may be related to investigations, litigation, compliance with legislative requirements or when personal information is publicly available. 5.5 I will not hold the Municipality responsible for any improper or unauthorised use of personal information that is beyond its reasonable control. 5.6 I confirm that I have read the notice and understand the contents.		

5.7 I, the undersigned certify that the information furnished on this declaration form is correct.

CERTIFICATION

I, the undersigned 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.

NAME OF REP: _____	SIGNATURE: _____
DATE: _____	CAPACITY: _____

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:
 - 3.1. take all reasonable steps to prevent such abuse;
 - 3.2. 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
 - 3.3. 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:

(Tender 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.

Service Providers Declaration and Privacy Notice

10. I declare that I undertake to inform Elias Motsoaledi Local Municipality of any changes in my personal information.
11. I, as a Service Provider of the Municipality hereby consent that the Municipality may collect, use, distribute, process my personal information for its business purposes, which may include, but is not limited to,
- 11.1 internal administrative processes pertaining to services rendered or goods provided to the Municipality;
 - 11.2 conducting service provider vetting; and
 - 11.3 rendering services or providing goods to Elias Motsoaledi Local Municipality.
12. I also consent that the Municipality may share my personal information with the South African Revenue Service, Companies and Intellectual Property Commission, Department of Trade and Industry, Provincial Treasury, Black Economic Empowerment Commission, Competition Commission, South African Police Service, Banks, External Auditors, Suppliers Vetting Agencies, relevant governance structures, relevant government institutions and legal entities which may lawfully require such information for legal obligations.
13. I understand that in terms of the Protection of Personal Information Act (POPIA) and other laws of the country, there are instances where my express consent is not necessary to permit the processing of personal information, which may be related to investigations, litigation, compliance with legislative requirements or when personal information is publicly available.
14. I will not hold the Municipality responsible for any improper or unauthorized use of personal information that is beyond its reasonable control.
15. I confirm that I have read the notice and understand the contents.
16. I, the undersigned certify that the information furnished on this declaration form is correct.

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.

17. 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

GENERAL CONDITIONS OF CONTRACT

The General Conditions of Contract are not included in this document and may be downloaded from the following website – www.treasury.gov.za/legislation