#### REQUEST FOR FORMAL WRITTEN PRICE QUOTATION FORM

Procurement from R30 000, 00 up to a transaction value of R200 000, 00 (including Vat)

(For publication of Mogalakwena Local Municipality Website and Notice Board)



**NOTICE NUMBER: 152/2021** 

**DEPARTMENT: TECHNICAL SERVICES** 

**DESCRIPTION: SUPPLY AND DELIVERY FOR PATCHING OF POTHOLES AT DT** 

#### **RAMPOLA STREET**

DATE OF ADVERTISEMENT	13 MAY 2021	
CLOSING DATE	20 MAY 2021	
CLOSING TIME	10H00	
QUOTATIONS MUST BE DEPOSITED IN THE QUOTATION BOX at		
54 RETIEF STREET, MOKOPANE, 0600		

В	IDDER
NAME of Company i.e. Proprietor/ Close Corporation/ Partnership/ Sole Proprietor	Legal Name:  Trading as:
Company i.e. Proprietor /Close Corporation/ Partnership/ Sole Proprietor Registration Number	
Central Supplier Database number: (Compulsory) National Treasury (CSD)	
Central Supplier Database Unique Reference Number: (CSD)	
Company i.e. Proprietor/ Close Corporation/ Partnership/ Sole Proprietor Postal Address	Postal Code
Contact Details of the Person Representing the Company i.e. Proprietor /Close Corporation/ Partnership/ Sole Proprietor Registration Number	Name: Fax: () Fax: (
Income Tax Number VAT Reference Number (if applicable)	

		1
SIGNATURE OF RIDDER 1)	Initial & Surname	

#### **SECTION 1**

- 1. All quotations received will be evaluated on the 80/20 point scoring basis. The 80 points will be for Price and 20 points are for Broad Based Black Economic Empowerment (BBBEE) for attaining the BBBEE Status level contribution in accordance with the table below:
  - MBD 3.1: Pricing Schedule Firm Prices.
  - MBD 4: Declaration of Interest
  - MBD 6.1: Preference Points Claim
  - MBD 8: Declaration of Bidder's Past Supply Chain Management Practices
  - MBD 9: Certificate of Independent bid determination

**If the MBD** forms are not completed & submitted, your quotation will be rejected.

- No quotation will be considered from persons in the service of the state (MBD4).
- All Service providers/contractors must submit valid, certified copies of their BEE certificate from an accredited BEE verification agency with their bid submission. Failure to submit will lead to forfeiture (loss) of the preference points.
- Failure to submit a BEE certificate will lead to forfeiture (loss) of the preference points. In the instance of Exempted Micro Enterprise (EME) (turn over less than R 10m) a letter from a professional, registered accountant/auditor or affidavit (download from Dti website: www.thedti.go.za)in order to qualify for preference points.
- Original stamped affidavit (not copy of stamped affidavit) to be submitted
- Electronic (e-mailed or faxed) quotations are not accepted.
- COPIES OF MUNICIPAL ACCOUNTS NOT OLDER THAN THREE (03) MONTHS MUST BE SUBMITTED WITH THE BID DOCUMENT
- 2. A BRIEFING SESSION IS NOT APPLICABLE.
- 3. MOGALAKWENA LOCAL MUNICIPALITY CONTACT PERSON: S MAFOKO at 079 020 7613

Email: sidneymafoko@gmail.com

#### **SECTION 2**

- The Lowest or any bid will not necessarily be accepted and the Mogalakwena Local Municipality reserves the right not to consider any bid not suitably endorsed or comprehensively completed as well as the right to accept a bid in whole or part.
- 2. Brand names **MUST** be specified in MBD 3.1" attached hereto (Price Schedule document).
- 3. Where deliveries are quoted "ex-stock" the period of delivery must not exceed Five (5) maximum working days after receipt of order. If this condition is not adhered to, the order could be cancelled.
- 4. Quotations are to be completed in accordance with the conditions as set out in the quotation document and must be placed in the quotation box indicated on page 1 before 10:00am.
- 5. Quotations received after the closing date and time **will not be considered**.

SIGNATURE OF BIDDER 1)	Initial & Surname

- Samples of the required items or goods are available for your perusal (where applicable) Samples may be requested from bidders before award of quotation (where applicable) 6.
- 7.
- Should the above-mentioned conditions not be adhered to the quotation will be considered 8. invalid.
- 9. Quotation to be valid for 60 days.

SIGNATURE OF BIDDER 1)	Initial & Surname

#### **NOTICE TO BIDDERS**

#### **VERY IMPORTANT NOTICE ON DISQUALIFICATIONS:**

A bid not complying with the peremptory requirements stated hereunder will be regarded as not being an "Acceptable bid", and as such will be rejected.

"Acceptable bid" means any bid which, in all respects, complies with the conditions of bid and specifications as set out in the bid documents.

#### A BID WILL BE REJECTED:

 If a VALID ORIGINAL tax clearance certificate or copy thereof (or in the case of a joint venture or consortium, of all the partners in the joint venture or consortium) has not been submitted with the bid document on closing date of the bid. (An expired tax clearance certificate submitted at the closure of the bid will NOT be accepted)

In bids where Consortia and Joint Ventures are involved, each party must submit a separate Tax Clearance Certificate.

Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.

Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website <a href="www.sars.gov.za">www.sars.gov.za</a>.

- 2. If any pages have been removed from the bid document, and have therefore not been submitted, or a copy of the original bid document has been submitted (all signatures to be original on each page).
- **3.** In the event of a failure to complete and sign the schedule of quantities as required, i.e. only lump sums provided.
- **4.** In the event of there being scratching out, writing over or painting out rates or information, affecting the evaluation of the bid, without initialling next to the amended rates or information.
- 5. In the event of the use of correction fluid (eg. tippex), any erasable ink, or any erasable writing instrument (e.g. pencil). (Only black pen to be used); (Evaluators to use a red pen only for notes).
- 6. If the Bid has not been properly signed by a person having the authority to do so. (Refer to Declaration). In the case of a representative, a signed letter of authority must be attached).
- 7. If particulars required in respect of the bid have not been completed, except if only the Broad –Based Black Economic Empowerment Certificate as provided for in Regulation 6 of The Preferential Procurement Regulations 2017, is not submitted, the bid will not be disqualified but no preference points will be awarded.
- **8.** If the bidder attempts to influence, or has in fact influenced the evaluation and/or awarding of the contract.
- **9.** If the bid has been submitted either in the wrong bid box or after the relevant closing date and time.
- **10.** If requested; failure to provide a valid certificate from the Department of Labour, or a declaration (Specific goals "Equity ownership") by a designated employer that it complies with the Employment Equity Act 55 of 1998.

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SIGNATURE OF BIDDER 1)	Initial & Surname

- 11. If any bidder who during the last five years has failed to perform satisfactorily on a previous contract with the municipality, municipal entity or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.
- **12.** The accounting officer must ensure that irrespective of the procurement process followed, no award may be given to a person
  - (a) who is in the service of the state, or;
  - (b) if that person is not a natural person, of which any director, manager, shareholder or stakeholder, is a person in the service of the state; or;
  - (c) who is an advisor or consultant contracted with the municipality in respect of contract that would cause a conflict of interest.
- **13.** If the bidder or any of its directors is listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector.
- **14.** If the bidder has abused the EMM's Supply Chain Management System and action was taken in terms of paragraph 38 of the EMM SCM Policy.
- **15.** Please check special requirements in scope of work in document for additional attachments.
- **16.** Price schedule to be completed in full ie: Rates; unit prices; sub-totals; vat if applicable and totals
- 17. If more than one (1) company quotes and the Director/s are the same Person/s and the companies fail to disclose this in the MBD4; the bids will be rejected as a result of Anti-Competitive Behaviour.

#### 18. If the following have not been fully completed and signed:

- a. MBD 1 INVITATION TO BID
- b. MBD 3.1 PRICING SCHEDULE FIRM PRICES
- c. MBD 4 DECLARATION OF INTEREST
- d. MBD 6.1 PREFERENCE POINTS CLAIM
- e. MBD 6.2 DECLARATION OF LOCAL PRODUCTION AND CONTENT
- f. MBD 8 DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES
- g. MBD 9 CERTIFICATE OF INDEPENDENT BID DETERMINATION

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SIGNATURE OF BIDDER 1)	Initial & Surname

#### FORM "E"

#### **SPECIFICATIONS**

Mogalakwena Local Municipality is not bound to accept the lowest or any quotation and reserves the right to accept the whole or any part of a quotation.

# SUPPLY AND DELIVERY FOR PATCHING OF POTHOLES AT DT RAMPOLA STREET

ITEM NO.	DESCRIPTION	UNIT	QUANTITY
1.	POTHOLE REPAIR USING HOT MIX CONTINUOUSLY	$M^2$	1
	GRADED ASPHALT		

		6
IGNATURE OF RIDDER 1)	Initial & Surname	

### **INVITATION TO BID**

## YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ENTITY)

	BID NUMBER:CLOSING TIME:
	DESCRIPTION
	TI
	The successful bidder will be required to fill in and sign a written Contract Form (MBD 7).
	BID DOCUMENTS MAY BE POSTED TO:
	OR
	DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)
	,
	Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.
	The bid box is generally open 24 hours a day, 7 days a week.
	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT
	TO BE RE-TYPED)
Г	
	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT
_	
	SIGNATURE OF BIDDER 1)

#### NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE **OF THE STATE (as defined in Regulation 1 of the Local Government: Municipal Supply Chain Management Regulations)**

THE FOLLOWING PARTICULARS MUST BE FURNISHED

(FAILURE	E TO DO	SO MAY	RESULT II	N YOUR BII	D BEING D	ISQUALIFIED)

FAILURE TO DO SO MAY RESULT	IN YOUR BID BEING DISQUALIFIED)	
NAME OF BIDDER		
POSTAL ADDRESS		
STREET ADDRESS		
TELEPHONE NUMBER  CODENUMB	3ER	
CELLPHONE NUMBER		
FACSIMILE NUMBER .NUMBER	CODE	
E-MAIL ADDRESS		
VAT REGISTRATION NUMBER		
HAS AN ORIGINAL AND VALID TAX C YES/NO	CLEARANCE CERTIFICATE BEEN ATTACHED? (MBD 2)	
HAS A B-BBEE STATUS LEVEL VERIF YES/NO	FICATION CERTIFICATE BEEN SUBMITTED? (MBD 6.1)	
IF YES, WHO WAS THE CERTIFICATE	E ISSUED BY?	
AN ACCOUNTING OFFICER AS CONT	TEMPLATED IN THE CLOSE CORPORATION ACT (CCA)	
A VERIFICATION AGENCY ACCREDI	ITED BY THE SOUITH AFRICAN NATIONAL ACCREDITATION SYSTEM (	SANAS)
A REGISTERED AUDITOR		
(Tick applicable box)		
(A B-BBEE STATUS LEVEL VERIFICA PREFERENCE POINTS FOR B-BBEE)	ATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR	र
ARE YOU THE ACCREDITE IN SOUTH AFRICA FOR THE GOODS/		
	YES/NO (IF YES ENCLOSE PROOF)	
SIGNATURE OF BIDDER 1)	Initial & Surname	8
•		

SIGNATURE			OF			BIDDER
DATE						
CAPACITY		WHICH		BID		SIGNED
TOTAL BID PRIC	 E		TOTAL NUMBI	ER OF ITEMS OF	FERED	
-	ANY ENQUIRIES RI	EGARDING THE B	SIDDING PROCEDU	IRE MAY BE DIR	ECTED TO:	
Municipality / Mo	unicipal Entity:					
Department:						
Contact Person:						
Tel:						
Fax:						
	ANY ENQUIRIES R	EGARDING TECH	NICAL INFORMATI	ON MAY BE DIR	ECTED TO:	
Contact Person:						
Tel:						
Fax:						

## PRICING SCHEDULE – FIRM PRICES (PURCHASES)

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of bidder					
OFFER TO BE VALID FOR <b>60 DAYS</b> FROM THE CLOSING DATE OF BID.					
SCHEDULE OF PRICES/ RATES:					
tem Description	Unit	Quantity	Rate	Amount	

Item	Description	Unit	Quantity	Rate	Amount
1.	POTHOLE REPAIR USING HOT		1		
	MIX CONTINUOUSLY GRADED				
	ASPHALT	$M^2$			R
	Sub Total Excluding Vat				R
	Vat 15%	•			R
	Total Including Vat	•			R

#### Note:

- 1. Pricing schedule on the advert must be completed even if you submit/attach a separate quotation to the document.
- 2. In a case of miscalculations or incorrect figures, the unit price will be used to calculate the corrected comparative price.

		YES	NO			
- Does the offer comply with the specification(s)? (Tic	ck applicable box)					
- If not to specification, indicate deviation(s)						
- Period required for delivery						
- Brand name of goods (not applicable to services)						
- Name of Authorised Person:						
-Signature: D	ate					
-Witness:						
Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.						
SIGNATURE OF BIDDER 1)	Initial & Surname		10			
,						

** "all insura	applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment ance fund contributions and skills development levies.
MB	D 4 DECLARATION OF INTEREST
1.	No bid will be accepted from persons in the service of the state <sup>1</sup> .
2.	Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of 11
SIGN	ATURE OF BIDDER 1) Initial & Surname

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.

	n order to give effect to the above, the following questionnaire must be completed and submitted with the bid.
3.	.1 Full Name of Owner of the Bidding Entity:
3.	.2 Identity Number if applicable:
3	3.3 Position occupied in the Company (director, trustee, shareholder²):
3.	.4 Company Registration Number:
3.	.5 Tax Reference Number:
3.	.6 VAT Registration Number:
(a) a (i (i (i	M Regulations: "in the service of the state" means to be – member of – i) any municipal council; ii) any provincial legislature; or iii) the national Assembly or the national Council of provinces; member of the board of directors of any municipal entity;
(c) ar (d) ar er A (e) a	n official of any municipality or municipal entity; n employee of any national or provincial department, national or provincial public ntity or constitutional institution within the meaning of the Public Finance Management act, 1999 (Act No.1 of 1999); member of the accounting authority of any national or provincial public entity; or n employee of Parliament or a provincial legislature.
	areholder" means a person who owns shares in the company and is actively involved e management of the company or business and exercises control over the company.
	.7 The names of all directors/ trustees/ shareholders' members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.  .8 Are you presently in the service of the state?  (Tick applicable box)
3.	3.8.1 If yes, furnish particulars.  .9 Have you been in the service of the state for the past twelve months?  (Tick applicable box)
	3.9.1 If yes, furnish particulars
3.	.10 Do you have any relationship (close family member, partner or associate)
SIGNAT	URE OF BIDDER 1)

3.13.1 If yes, furnish pa 3.14 Do you or any of the direction of the state?  3.14 Do you or any of the direction of the direc	(Tick applicable box)  articulars.  rectors, trustees, managers, or stakeholders of this company other related companies or they are bidding for this contract.  (Tick applicable box)	YES NO
trustees, managers, prin in service of the state?  3.13.1 If yes, furnish pa	(Tick applicable box)  articulars.  rectors, trustees, managers, or stakeholders of this company other related companies or they are bidding for this contract.  (Tick applicable box)	YES NO
trustees, managers, prin in service of the state?  3.13.1 If yes, furnish pa	(Tick applicable box)  articulars.  rectors, trustees, managers, or stakeholders of this company other related companies or they are bidding for this contract.	YES NO
trustees, managers, prii in service of the state?  3.13.1 If yes, furnish pa	or parent of the company's directors nciple shareholders or stakeholders  (Tick applicable box)  articulars.	
trustees, managers, prii in service of the state?	or parent of the company's directors nciple shareholders or stakeholders  (Tick applicable box)	
trustees, managers, prii	or parent of the company's directors nciple shareholders or stakeholders	
	r parent of the company's directors	
3.12.1 If yes, furnish pa	articulars.	
	(Tick applicable box)	YES NO
	y's directors, trustees, managers, or stakeholders in service of the state?	
3.11.1 If yes, furnish pa	articulars	
	(Tick applicable box)	YES NO
between any other bidd	relationship (close family member, partner or der and any persons in the service of the sta aluation and or adjudication of this bid?	ite who may
3.10.1 If yes, furnish pa	articulars.	
	(Tick applicable box)	

CEPTIE	ICATION	
I, THE UNDERSIGNED (NAME)		
CERTIFY THAT THE INFORMATION FURNISHED	ON THIS DECLARATION FORM	IS CORRECT.
I ACCEPT THAT THE STATE AND/OR THE MOG AGAINST ME SHOULD THIS DECLARATION PRO		ITY MAY ACT
Signature	Date	
Capacity	Name of Biddir	g Entity
		MBD

#### MOGALAKWENA LOCAL MUNICIPALITY

## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 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.
- 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).
- In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

(tick applicable)

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector?	Yes	No
	(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).		
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)?	Yes	No
	(To access this Register enter the National Treasury's website, <a href="https://www.treasury.gov.za">www.treasury.gov.za</a> , click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).		
4.2.1	If so, furnish particulars:		

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<b>SIGNATURE OF BIDDER</b>	1)	Initial & Surname	

4.3	(including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Y es	
4.3.1	If so, furnish particulars:		
Item	Question	Yes	N
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	N
4.7.1	If so, furnish particulars:		
CCEPT TH	AT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS C AT THE STATE AND/OR THE MOGALAKWENA LOCAL MUNICIPALITY I SHOULD THIS DECLARATION PROVE TO BE FALSE.		
	Signature Date		
	Capacity Name of Bidding	Entity	
		1	6

No

#### **MBD 6.1**

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

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

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

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#### 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 R200 000 (all applicable taxes included); and
- 1.2 The value of this bid is estimated not to exceed R200 000 (all applicable taxes included) and therefore the **80/20** system shall be applicable.
- 1.3 Preference points for this bid shall be awarded for:
  - (a) Price; and
  - (b) B-BBEE Status Level of Contribution.
- 1.3.1 The maximum points for this bid are allocated as follows:

#### **POINTS**

1.3.1.1 PRICE 80

#### 3.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION

20 **100** 

- Total points for Price and B-BBEE must not exceed
- 1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate as provided from a Verification Agency accredited by the South African Accreditation System (SANAS or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together or **original stamped affidavit** signed by a commissioner of oaths or SAPS (download from dti website: <a href="www.thedti.gov.za">www.thedti.gov.za</a>) with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.5. 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**

2..1 "all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

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SIGNATURE OF BIDDER 1)	Initial & Surname

- 2.2 **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 **"B-BBEE status level of contributor"** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

**"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;

- 2.5 **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 "**comparative price**" means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 "consortium or joint venture" 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;
- 2.8 "contract" means the agreement that results from the acceptance of a bid by an organ of state:
- 2.9 "EME" means any enterprise with an annual total revenue of R10 million or less.
- 2.10 **"Firm price"** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty or levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 "functionality" means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working o operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 "non-firm prices" means all prices other than "firm" prices;
- 2.13 "person" includes a juristic person;
- 2.14 **"rand value"** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 "sub-contract" means the primary contractor's assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 "total revenue" bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 "**trust**" means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 **"trustee"** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

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SIGNATURE OF BIDDER 1)	Initial & Surname

#### 3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

#### 4. POINTS AWARDED FOR PRICE

#### 4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

Where

Ps = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid

#### 5. Points awarded for B-BBEE Status Level of Contribution

5.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (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

Initial & Surname ......

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor or original stamped affidavit signed by a commissioner of oaths or SAPS (download from dti website: <a href="www.thedti.gov.za">www.thedti.gov.za</a>). Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates or an Original stamped affidavit (not copy of stamped affidavit).
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submit their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submit their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended subcontractor is an EME that has the capability and ability to execute the sub-contract.
- A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.
- 6. BID DECLARATION
- 6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:
- 7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1
- 7.1 B-BBEE Status Level of Contribution: (maximum of 20 points)
  - (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA) or an Original stamped affidavit (not copy of stamped affidavit).
- 8. Tender preference claim in respect of enterprise status or structure of the tendering entity

In the interest of transparency, bidders are required to complete Table 1: Tender Preference Claim below.

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SIGNATURE OF BIDDER 1)	Initial & Surname

Table 1	<ul> <li>Tender</li> </ul>	Preference	Claim

	Type of B-BBEE Contributor		Status (tick box(es) below as applicable)
	Exempted Micro Enterprise (EME) greater that	n 50% black-owned	
	Exempted Micro Enterprise (EME) less than o	or equal to 50% black-	
	Verified B-BBEE contributor B-BBEE Status Level of Contr	ibutor <sup>1</sup>	
	Non-compliant contributor		
	<sup>1</sup> If it is indicated that the company/firm/entity is a status level of contributor must be inserted in the applicable).		
9. D	Peclarations		
	With reference to condition 5.7 in Section 2 above, applicable):	the bidder declares that	(tick one box as
	9.1 It intends sub-contracting more than 25 to sub-contractors that do not qualify for at as prime supplier qualifies for		
	9.2 Subject to 9.1 above; does the bidder in an EME that has the capability to execute		tract to
		(Tick applicabl	e box) YES NO
	9.3 It <b>DOES NOT</b> intend sub-contracting method that the vendor as prime supplier qualifies	qualify for at least the po	
t	The undersigned warrants that he/she is duly author hat he/she understands the conditions under which yendor/supplier will satisfy conditions pertaining to	h preferences are grante	d, and confirms that the
	Signature	Date	
	Print name:		
	On behalf of the bidder (duly authorised)		
SIC	NATURE OF RIDDER 4)	Initial 9 Surnama	21

## DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Municipal Bidding Document (MBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

#### 1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) makes provision for the promotion of local production and content.
- 1.2. Regulation 8.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for bids referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] *100$$

Where

- x is the imported content in Rand
- y is the bid price in Rand excluding value added tax (VAT)

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Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by the South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as required in paragraph 4.1 below.

The SABS approved technical specification number SATS 1286:2011 is accessible on http://www.thedti.gov.za/industrial development/ip.jsp at no cost.

1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

#### 2. Definitions

- 2.1. "bid" includes written price quotations, advertised competitive bids or proposals;
- 2.2. "bid price" price offered by the bidder, excluding value added tax (VAT);
- 2.3. "contract" means the agreement that results from the acceptance of a bid by an organ of state;
- 2.4. "designated sector" means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- 2.5. "duly sign" means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility(close corporation, partnership or individual).
- 2.6. "imported content" means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour and intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7. "**local content**" means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
- 2.8. "stipulated minimum threshold" means that portion of local production and content as determined by the Department of Trade and Industry; and
- 2.9. "sub-contract" means the primary contractor's assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.
- 3. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

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Description of services, works or goods	Stipulated minimum threshold
	%
	%
	%

4.	Does any portion of the services, works or goods offered have any imported content?  (Tick applicable box)	
	YES NO	
4.1	If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by the SARB for the specific currency at 12:00 on the date of advertisement of the bid.	
	The relevant rates of exchange info	rmation is accessible on www.reservebank.co.za
	Indicate the rate(s) of exchange again (refer to Annex A of SATS 1286:20	ainst the appropriate currency in the table below 11):
	Currency	Rates of exchange
	US Dollar	
	Pound Sterling	
	Euro	
	Yen Other	
	Other	
	NB: Bidders must submit proof of the	ne SARB rate (s) of exchange used.
5. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the Accounting Officer / Accounting Authority provide directives in this regard.		
LOCAL CONTENT DECLARATION (REFER TO ANNEX B OF SATS 1286:2011)		
RESP SENIO	ONSIBLE PERSON NOMINATED	HIEF FINANCIAL OFFICER OR OTHER LEGALLY IN WRITING BY THE CHIEF EXECUTIVE OR MANAGEMENT RESPONSIBILITY (CLOSE DIVIDUAL)
	CDECT OF DID NO	

•••	a control, rate action of individual,	
IN RESPECT OF BID NO.		
ISSU	JED BY: (Procurement Authority / Name of Municipality / Municipal Entity):	
NB		
1	The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.	
2	Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on <a href="http://www.thedti.gov.za/industrial_development/ip.jsp.">http://www.thedti.gov.za/industrial_development/ip.jsp.</a> Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the	
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SIGNATURE OF BIDDER 1)...... Initial & Surname ......

	declaration made in paragraph (c) below. bidders for verification purposes for a period required to continuously update Declaration duration of the contract.	d of at least 5 years. The suc	cessful b	idder is
	e undersigned, ereby declare, in my capacity as			),
of	y), the following:			bidder
(a)	The facts contained herein are within my ow	n personal knowledge.		
(b)	I have satisfied myself that:			
	(i) the goods/services/works to be deliver with the minimum local content req measured in terms of SATS 1286:201	uirements as specified in t		
(c)	The local content percentages (%) indicated given in clause 3 of SATS 1286:2011, the above and the information contained in consolidated in Declaration C;	rates of exchange indicated i	n paragr	aph 4.1
	Bid price, excluding VAT (y)		R	
	Imported content (x), as calculated in terms of	SATS 1286:2011	R	
	Stipulated minimum threshold for local conter	nt (paragraph 3 above)		
	Local content %, as calculated in terms of SA	TS 1286:2011		
con per SAT info	te bid is for more than one product, the lotained in Declaration C shall be used instructed in the centages for each product has been calculated a specific structure. The structure of exchange incremation contained in Declaration D and E.  I accept that the Procurement Authority / Nor request that the local content be verification.	ead of the table above. The ated using the formula give dicated in paragraph 4.1 and an additional and a serified in terms of the research and a serified in terms of the series and a series	has the	content use 3 of nd the right to ents of
(e)	I understand that the awarding of the bid is furnished in this application. I also understadata that are not verifiable as describe Procurement Authority / Municipal / Municipas provided for in Regulation 13 of the I promulgated under the Preferential Policy F 2000).	and that the submission of in bed in SATS 1286:2011, ma bal Entity imposing any or all Preferential Procurement Re	ncorrect of a contract of the regulations	data, or in the emedies s, 2011
	SIGNATURE:	DATE:		
	WITNESS No. 1			
	WITNESS No. 2	DATE:		
				26

information on Declaration C. Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the

#### MOGALAKWENA LOCAL MUNICIPALITY

#### **CERTIFICATE OF INDEPENDENT BID DETERMINATION (MBD 9)**

- 1 This Form "I" must form part of all bids<sup>1</sup> invited.
- 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). Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
  - a. take all reasonable steps to prevent such abuse;
  - reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
  - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- This Form "I" 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.
- In order to give effect to the above, the attached Certificate of Bid Determination must be completed and submitted with the bid:

<sup>2</sup> Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

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SIGNATURE OF BIDDER 1)	Initial & Surname

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

#### CERTIFICATE OF INDEPENDENT BID DETERMINATION (MBD 9)

	(Bid Number and Description)			
in respo	onse to the invitation for the bid made by:			
·	, and the second			
do here	MOGALAKWENA LOCAL MUNICIPALITY beby 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. 2.	I have read and I understand the contents of this Certificate; 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:			
	<ul> <li>(a) has been requested to submit a bid in response to this bid invitation;</li> <li>(b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and</li> <li>(c) provides the same goods and services as the bidder and/or is in the same line of business as</li> </ul>			
	(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 communication, agreement or arrangement with any competitor. However communication partners in a joint venture or consortium <sup>3</sup> will not be construed as collusive bidding.				
	<sup>3</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.			
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;			
	<ul> <li>(b) geographical area where product or service will be rendered (market allocation)</li> <li>(c) methods, factors or formulas used to calculate prices;</li> <li>(d) the intention or decision to submit or not to submit, a bid;</li> </ul>			
	(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.			
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SIGNA	TURE OF BIDDER 1) Initial & Surname			

the 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 in Company

Full Names of Person Representing Company

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

9.

# ANNEXURE "B" MOGALAKWENA LOCAL MUNICIPALITY QUOTATION PROCUREMENT FORM

#### **ADJUDICATION OF BIDS**

Bids are adjudicated in terms of the Mogalakwena Local Municipality Supply Chain Management Policy, and the following framework is provided as a guideline in this regard.

- 1. Bids will be adjudicated in terms of inter alia:
  - Compliance with RFQ conditions
  - Technical specifications

If the bid does not comply with the bid conditions or technical specifications, the bid shall be rejected.

2. Good standing with SA Revenue Service

Establish whether a valid original tax clearance certificate or copy thereof has been submitted with the Bid document on closing date of the bid. If no such Certificate or copy thereof has been submitted, the bid must be rejected. If a valid original tax clearance certificate has not been submitted, the bidder must be requested in writing to submit a valid original tax clearance certificate by a specific date.

If the bid does not meet the requirements contained in the Mogalakwena Local Municipality Supply Chain Management Policy, and the mentioned framework, it shall be rejected by the Municipality, and may not subsequently be made acceptable by correction or withdrawal of the non-conforming deviation or reservation.

#### 3. Total Bid Adjudication Points

The total number of bid adjudication points awarded, is the sum of:

Bid price points + meeting specific goals points (not to exceed 100)

#### 4. Penalties

The Municipal Manager must act in terms of paragraph 15 of the Preferential Procurement Policy Regulations 2001, as published on 10 August 2001, against the person awarded the contract upon detecting that a preference in terms of the Preferential Procurement Policy has been obtained on a fraudulent basis, or any specified goals are not attained in the performance of the contract.

Regulation 15 of the Preferential Procurement Policy provides as follows:

- An organ of state must, upon detecting that a preference in terms of the Act and these regulations has been obtained on a fraudulent basis, or any specified goals are not attained the performance of the contract, act against the person awarded the contract.
  - (3) An organ of state may, in addition to any other remedy it may have against the person contemplated in sub-regulations (1) –

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- (a) recover all costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (b) 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;
- (c) impose a financial penalty more severe than the theoretical financial preference associated with the claim which was made in the tender; and
- (d) restrict the contractor, its shareholders and directors from obtaining business from any organ of state for a period not exceeding 10 years.

DECLARATION	ON		
1			

the undersigned hereby confirm that the information herein is a true reflection of the facts presented, and the person signing this document on behalf of the bidder duly authorised to do so. Should this not be the fact, stipulations regarding this as contained in the Mogalakwena Local Municipality Policy applies. I accept that the Mogalakwena Local Municipality may act against me in terms of paragraph 23 of the general conditions of contract should this declaration prove to be false.

Signing of the quotation in the appropriate spaces, as well as the initialling any amendments by the bidder is mandatory.

SIGNATURE OF BIDDER

#### **PLEASE REMEMBER:**

- THE VALID ORIGINAL TAX CLEARANCE CERTIFICATE OR COPY/IES THEREOF, MUST BE SUBMITTED WITH THE BID DOCUMENT
- COPIES OF MUNICIPAL ACCOUNTS NOT OLDER THAN THREE (03) MONTHS MUST BE SUBMITTED WITH THE BID DOCUMENT
- BBBEE CERTIFICATE/ ORIGINAL CERTIFIED AFFIDAVIT
- ID COPIES OF ALL DIRECTORS
- CSD REPORT
- ANY OTHER DOCUMENTS AS MAY BE REQUIRED FROM THE QUOTATION

ATTACH ALL REQUIRED DOCUMENTS TO THE LAST PAGE OF YOUR BID DOCUMENT

ACTING MUNICIPAL MANAGER HSM NGOEPE 54 RETIEF STREET MOKOPANE 0600

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SIGNATURE OF BIDDER	1)	Initial & Surname	