CLOSED TENDER PROCESS

NAME OF SERVICE PROVIDER: ____________________________

REQUEST FOR QUOTATION FOR GOODS AND SERVICES AT JPC

N.B. THIS REQUEST FOR QUOTATION (RFQ) ISSUED ONLY LIMITED TO PROFESSIONALS APPROVED FOR INCLUSION IN THE JPC PANEL OF PROFESSIONALS (POP 03/ 2018) UNDER THE FOLLOWING CATEGORY: TURNKEY PROJECT MANAGER

JPC requests your quotations on the goods and/or services listed hereunder and/or on the available RFQ forms. Please furnish all information as requested and return your quotation on the date stipulated. Late and incomplete submissions will invalidate the quotations submitted.

<table>
<thead>
<tr>
<th>DATE OF ISSUE</th>
<th>25 OCTOBER 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLOSING DATE</td>
<td>04 NOVEMBER 2019</td>
</tr>
<tr>
<td>CLOSING TIME</td>
<td>10H30 (TELKOM TIME)</td>
</tr>
<tr>
<td>DEPARTMENT</td>
<td>JPC</td>
</tr>
<tr>
<td>SCM NUMBER</td>
<td></td>
</tr>
<tr>
<td>PANEL NUMBER</td>
<td>POP03/2018 PANEL OF PROFESSIONALS</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DESCRIPTION OF GOODS/SERVICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Assist in implementation of Capex Projects transactions.</td>
</tr>
<tr>
<td>• Interact with the market surroundings, to confirm decisions on scope, timing and packaging of</td>
</tr>
</tbody>
</table>

Quotations submitted by Professionals or Service Providers not included in the relevant POP 03/2018- Panel of Professionals will not be considered.
<table>
<thead>
<tr>
<th><strong>COMPULSORY BRIEFING SESSION</strong></th>
<th>transactions.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Venue: The Hillbrow Taxi rank/market, along Gold Reich Street, between Quartz and Claim streets, Time: 11H30 Date: 29 OCTOBER 2019</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>RFQ SPECIFICATION FORMS/DOCUMENTS ARE OBTAINABLE FROM:</strong></th>
<th><a href="http://www.jhbproperty.co.za">www.jhbproperty.co.za</a></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>COMPULSORY REQUIREMENTS</strong></th>
<th>Submission of all required documents</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>SUBMISSION OF QUOTES:</strong></th>
<th>1st Floor Forum 2, Braam Park 33 Hoofd Street Braamfontein 2017 Submissions must be deposited into the RFQ Box at the Reception. No emailed submissions will be accepted</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>ENQUIRIES:</strong></th>
<th>Lungelo Terrence Ramatselela 010 219 9222 079 157 3981 <a href="mailto:Lramatselela@jhbproperty.co.za">Lramatselela@jhbproperty.co.za</a></th>
</tr>
</thead>
</table>

Quotations submitted by Professionals or Service Providers not included in the relevant POP 03/2018- Panel of Professionals will not be considered.
N.B. QUOTATIONS submitted by Professionals or Service Providers not included in POP 03/2018- Panel of Professionals under Turnkey Project Manager will not be considered.

QUOTATIONS above R30 000 will be evaluated on the basis of the 80:20 point system as stipulated in the Preferential Procurement Policy Framework Act (Act number 5 of 2000) & JPC’s Supply Chain Management Policies and Procedures.

CHECKLIST

SCM NO: __________________________

PLEASE USE THE CHECKLIST TO CONFIRM THAT ALL COMPULSORY DOCUMENTS ARE ATTACHED TO YOUR SUBMISSION.

<table>
<thead>
<tr>
<th>No</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Certified Copy of Company Registration Document</td>
</tr>
<tr>
<td>2.</td>
<td>Rates &amp; Taxes Account for Company OR Certified Copy of Lease Agreement OR Affidavit Certified by the Commissioner of Oaths/ Arrangements letter</td>
</tr>
<tr>
<td>3.</td>
<td>Rates and Taxes Account for All the Directors of the Company OR Certified Copy of Lease Agreement OR Affidavit Certified by the Commissioner of Oaths/ Arrangements letter</td>
</tr>
<tr>
<td>4.</td>
<td>MBD 4: Declaration of Interest (Attached)</td>
</tr>
<tr>
<td>5.</td>
<td>MBD 9: Certificate of Independent Bid Determination. (Attached)</td>
</tr>
<tr>
<td>6.</td>
<td>MBD 6.4: Local Content (Attached) (IF REQUIRED)</td>
</tr>
<tr>
<td>7.</td>
<td>Certified Copy of BBBEE certificate.</td>
</tr>
<tr>
<td>8.</td>
<td>Valid Tax Clearance Certificate or Pin number</td>
</tr>
<tr>
<td>9.</td>
<td>Empowerment Plan and employment statistics (youth, women and people with disabilities)</td>
</tr>
<tr>
<td>10.</td>
<td>All alterations must be signed.</td>
</tr>
<tr>
<td>11.</td>
<td>Quotation is signed</td>
</tr>
<tr>
<td>12.</td>
<td>UIF</td>
</tr>
<tr>
<td>13.</td>
<td>Certified ID copies for the Directors or Members of the Entity</td>
</tr>
<tr>
<td>14.</td>
<td>Central Supplier Data Base registration (CSD)</td>
</tr>
</tbody>
</table>

Quotations submitted by Professionals or Service Providers not included in the relevant POP 03/2018- Panel of Professionals will not be considered.
15. Works Insurance and Public liability insurance

16. Affiliation / Registration with Professional bodies

17. Professional Indemnity insurance

SIGNATURE

NAME

PLEASE NOTE THAT NOT SUBMITTING THE COMPULSORY DOCUMENTS MAY LEAD TO DISQUALIFICATION

1. Valid Original tax clearance.

   Please note that copies of tax clearance certificates are not valid as per SARS and they will not be accepted by JPC. Failure to provide the original tax clearance certificate will result in the quotation being disqualified.

2. Latest copy of rate and taxes together with a completed “Declaration on State of Municipal Accounts” form. (Attached)

   Please note the following:

   a) There must be a Rates & Taxes invoice for each of the Directors of the Company as well as for the Company. The Rates & Taxes Invoice cannot be older than 3 months. If Rates & Taxes are in arrears for more than 3 months, the quotation will be disqualified.

   b) If the business is operated from the residence of one of the directors, an affidavit, certified, must be submitted stating the address of the business premises.

Quotations submitted by Professionals or Service Providers not included in the relevant POP 03/2018- Panel of Professionals will not be considered.
c) If the premises from where business is conducted or where a director is residing, is leased a copy of the lease agreement or an affidavit must be submitted.

3. The quotation page must be signed. If you are using your own format on your Company’s letterhead to quote, please ensure that the proposal is signed.

4. The attached MBD 9 form (Certificate of Independent Bid Determination) must be completed and submitted with the quotation. If the MBD 9 is incomplete or not attached the quotation will be disqualified.

5. The attached MBD 4 form (Declaration of Interest) must be completed and submitted with the quotation. If the MBD 4 is incomplete or not attached the quotation will be disqualified.

6. Both the MBD 4 & 9 forms must be original for each quotation. No copies will be accepted. Both the MBD 4 & 9 forms must be dated within the quotation period.

7. Proof of Directors: A certified copy of your Company Registration Documents

8. A certified copy of the B-BBEE Status Level Verification Certificate must be attached. If not attached no points for B-BBEE will be awarded.

9. All price alterations must be signed for by the Bidder confirming that such changes were made by the Bidder.

10. UIF.

11. Professional Indemnity insurance

12. Copies of ID’s for the Directors or Members of the Entity.

13. Central Supplier Data Base registration.

14. Works Insurance and Public liability insurance

15. Affiliation / Registration with Professional bodies

PLEASE NOTE THAT PRICE CHANGES WITHOUT A SIGNATURE WILL LEAD TO THE

Quotations submitted by Professionals or Service Providers not included in the relevant POP 03/2018- Panel of Professionals will not be considered.
DISQUALIFICATION OF THE QUOTATION SUBMITTED

I HEREWITH CONFIRM THAT HAVE READ AND UNDERSTOOD THE ABOVEMENTIONED REQUIREMENTS

SIGNATURE_____________________________________

NAME________________________________________

CONDITIONS

1. All goods or services purchased will be subject to JPC SCM Policy and Procedures. A copy of said conditions is available from the SCMU office.

2. All purchases will be made through an official order form. Therefore, no goods must be delivered or services rendered before an official order has been forwarded to and accepted by the successful bidder.

3. To participate in JPC’s Quotation process for the procurement of goods and/or services, vendors are advised to get accredited and registered on National Treasury Centralised Supplier Database (CSD). JPC is dealing only with the registered and accredited suppliers on the CSD.

4. All prices quoted must be exclusive of Value Added Tax (VAT). Suppliers who are not registered for VAT will be treated as Non VAT Vendors.

5. Prices quoted must include delivery charges and goods must be delivered to the address indicated on the quotation page.

6. All prices submitted must be firm. "Firm" prices are deemed to be fixed prices, which are only subject to the following statutory changes, namely VAT and any levy related to customs and excise.

7. Quantities are given in good faith and without commitment to JPC. The JPC reserves the right to increase or reduce the quantity to be in line with the set threshold for quotations prescribed in the SCM Policy.

Quotations submitted by Professionals or Service Providers not included in the relevant POP 03/2018- Panel of Professionals will not be considered.
8. **JPC DOES NOT TAKE RESPONSIBILITY FOR ANY QUOTATIONS DEPOSITED IN THE WRONG BOX.**

9. **QUOTATIONS SUBMITTED THROUGH FAX/EMAIL WILL BE AUTOMATICALLY DISQUALIFIED.**

I HEREWITH CONFIRM THAT I HAVE READ AND UNDERSTOOD THE ABOVEMENTIONED REQUIREMENTS

SIGNATURE_________________________

NAME____________________________

ADDITIONAL REQUIREMENTS

DECLARATION

I certify that the information supplied is correct and I have read and understood the JPC General Conditions and Policies and Procedures and accept same

I further certify that all the required information has been furnished and the relevant forms completed and are herewith submitted as part of the quotation.

SIGNATURE: __________________________

NAME: ______________________________

CAPACITY: __________________________

DATE: ______________________________

Quotations submitted by Professionals or Service Providers not included in the relevant POP 03/2018- Panel of Professionals will not be considered.
SUPPLY CHAIN MANAGEMENT

P.O. BOX 31565
BRAAMFONTEIN
2017

VAT. NO: 4010194266/4760117194

______________________________
BIDDER:

______________________________
TEL:

______________________________
FAX:

______________________________
Your Vendor Number With CSD:

Request for Quotations

<table>
<thead>
<tr>
<th>RFQ NUMBER</th>
<th>RFQ DATE</th>
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<tbody>
<tr>
<td></td>
<td>25 October 2019</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>CONTACT PERSON</th>
<th>NAME: Lungelo Terrence Ramatselela</th>
</tr>
</thead>
<tbody>
<tr>
<td>TEL No:</td>
<td>010 219 9222 079 157 3981</td>
</tr>
</tbody>
</table>

Submission Deadline: 04 NOVEMBER 2019
Submission Time: 10H30AM

VALIDITY OF RFQ: 60 DAY

Quotations submitted by Professionals or Service Providers not included in the relevant POP 03/2018 - Panel of Professionals will not be considered.
OFFICE USE ONLY:
PRICE/S TO BE VAT EXCLUSIVE
Please deposit all quotation in the RFQ box as stipulated in the cover page

RFQ’S above R30 000-00 to a maximum of R50 000 000 will be evaluated on the basis of the 80:20 point system as stipulated in the Preferential Procurement Policy Framework Act (Act number 5 of 2000), as amended.

EVALUATION CRITERIA

Quotations will be evaluated using a two-stage evaluation process.

STAGE 1 TECHNICALITY/FUNCTIONALITY EVALUATION

Quotations will be evaluated in order to establish whether they meet the minimum required thresholds for functionality. In this regard Bidders are required to achieve a functional score of no less than 70 points out of 100

| 01 | Experience of the Tenderer (Lead Tenderer and Entities in Joint Venture, Consortium, Association, etc. (40 Points) | Bidders’ experience and record of accomplishment in providing professional services required in CAPEX and associated projects support services for the delivery of infrastructure programs and projects, including municipal infrastructure. Tenderers should have proof of experience in creating and managing Project Management Units for projects exceeding Fifty million Rand and must include | 40 | • List of similar and relevant projects completed by the Bidder and its Partners. • Value of completed projects • Completion certificates and reference letters. |

Quotations submitted by Professionals or Service Providers not included in the relevant POP 03/2018- Panel of Professionals will not be considered.
<table>
<thead>
<tr>
<th></th>
<th>Methodology on job creation and skills development (10 points)</th>
<th>A detailed plan outlining job creation and skills development principles (Skills Development). (20 points)</th>
<th>Methodology on how to formulate work packages for local SMMEs, job creation and skills development.</th>
</tr>
</thead>
<tbody>
<tr>
<td>02</td>
<td>Methodology on job creation and skills development (10 points)</td>
<td>A detailed plan outlining job creation and skills development principles (Skills Development). (20 points)</td>
<td>Methodology on how to formulate work packages for local SMMEs, job creation and skills development.</td>
</tr>
</tbody>
</table>
| 03 | Project Programming and Capacity and Stakeholder management plan | Demonstrate the ability to manage risk, deliver project within the current financial year and maintain quality of work. (40 points) | ● Project Program  
● Access to capacity  
● Quality control processes given SMME to be appointed  
● Stakeholder management plan |
| TOTAL | 100 |  |  |

**STAGE 2 (PRICE AND B-BBEE STATUS LEVEL OF CONTRIBUTION)**

**POINTS AWARDED FOR PRICE**

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

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

80/20

Where

$P_s =$ Points scored for comparative price of bid under consideration.

$P_t =$ Comparative price of bid under consideration

$P_{min} =$ Comparative price of lowest acceptable bid

**POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION**

Points will be allocated as follows:

<table>
<thead>
<tr>
<th>Price</th>
<th>80</th>
</tr>
</thead>
<tbody>
<tr>
<td>Points for B-BBEE (Max of 20):</td>
<td>20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B-BBEE status Level of Contributor</th>
<th>Number of Points (80/20 system)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20</td>
</tr>
</tbody>
</table>

Quotations submitted by Professionals or Service Providers not included in the relevant POP 03/2018- Panel of Professionals will not be considered.
<p>| | |</p>
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<tbody>
<tr>
<td>2</td>
<td>18</td>
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<tr>
<td>3</td>
<td>14</td>
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<td>4</td>
<td>12</td>
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<td>8</td>
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<tr>
<td>6</td>
<td>6</td>
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<tr>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Non-Compliant contributor</td>
<td>0</td>
</tr>
</tbody>
</table>

Quotations submitted by Professionals or Service Providers not included in the relevant POP 03/2018- Panel of Professionals will not be considered.
SIGNATURE OF BIDDER

CAPACITY

PLEASE NOTE THAT NO PRICE INCREASES WILL BE APPROVED AFTER SUBMISSION OF THE QUOTATION.

REQUEST FOR QUOTATION (RFQ) NUMBER: ________________________

Quotations submitted by Professionals or Service Providers not included in the relevant POP 03/2018- Panel of Professionals will not be considered.
BACKGROUND

The Hillbrow market, situated in an inner city along Gold Reich Street, between Quartz and Claim streets, was built in 2004. The facility is used by operators who service local routes and informal traders. The current set up has loading bays, public ablutions and a host of market stalls.

The facility was in a poor state due to the lack of sustainable maintenance programmes over the years. Furthermore, there is was no record of any major refurbishments or upgrades of the facility since it started operating in 2004. In 2017, JPC upgraded the facility as part of phase one due to the insufficient funds allocated to the market. The following work was prioritised: Refurbishment of the ablation toilets; electrical installation inside the trader’s stalls, paving and drainage system. In 2019 phase two JPC is going to focus on the compliance of informal stalls to ensure they fully comply with Environmental Health standards, i.e. installation of grease traps, Upgrading of electrical work within the market, air ventilation, floor covering, Supply and installation of fire systems with water, installation of hand wash basins and ceiling installation.

The management of the facility currently vest with JPC.

City of Joburg Property Company (JPC) is in the process of entering into a Service level Agreement (SLA) with the potential Turnkey Programme manager/Project Manager for the assessment, pricing, prioritising and implementation of CAPEX work on various identified JPC’s owned and controlled facilities.

Purpose of this Capex project being:

Quotations submitted by Professionals or Service Providers not included in the relevant POP 03/2018- Panel of Professionals will not be considered.
• To preserve taxpayers’ investments in public and residential facilities by extending the life span of buildings and its components; thus sustaining the building value.
• Improved quality of life; thus sustaining a safe and healthy environment by keeping buildings and their components in good and structurally sound condition also preventing building failures that would interrupt occupants’ activities.
• To help buildings functionality as they are intended to operate at peak efficiency, with minimized energy consumption.
• To provide capex works in ways that are cost-effective, by preventing minor problems from escalating into major system and equipment failures that results in costly repairs or replacements at times.

SPECIFICATIONS / SCOPE OF WORK:

1. The Bidder will have to develop a detailed priced Bill of Quantity to cover the following:
   • Remove redundant wash troughs or sinks c/w their drainers in stalls.
   • Install new industrial sink c/w their drainers.
   • Install new industrial biptap to replace damaged taps and replace non-durable plastic tapes.
   • Brace loose water pipes.
   • Break down the concrete apron or paving, remove rubble and prepare to

Quotations submitted by Professionals or Service Providers not included in the relevant POP 03/2018- Panel of Professionals will not be considered.
receive the new grease trap chamber.

- Install new concrete base. Backfilling to be done once the new grease trap chamber has been installed and levelled.
- Install new stainless steel grease trap chamber c/w piping.
- Remove damaged roller shutter doors, steel door frame and doors.
- Install new roller shutter doors, steel door frames and steel doors.
- Repair and re-align roller shutter doors.
- Install new floor tiles in the guard room.
- Connect the fire hose reel to municipal main feeder water supply.
- Install new portable fire extinguishers.
- Pressure water clean the piping and floors.
- Fumigate the entire market.

2. Once the Bill of Quantity has been accepted, then the successful Bidder will have to start implementing the work.

NB: Returnable Documents with the bid submission

For the purposes of evaluating the submissions, bidders are directed to submit the following:

- Methodology document including stakeholder engagements plan plus project charter and governance structure.

Quotations submitted by Professionals or Service Providers not included in the relevant POP 03/2018- Panel of Professionals will not be considered.
City of Joburg Property Company SOC Ltd.
Supply Chain Management

- List of the projects completed, nature of related projects, value and reference letters.
- Name, Skills and qualifications of the Lead professional and successfully completed projects
- Methodology on how to formulate work packages for local SMMEs, job creation and skills development...
- Project program, access to capacity and quality control processes given SMME to be appointed.

ALL BIDDERS MUST PLEASE MAKE SURE THAT THEY KNOW WHAT THEY ARE QUOTING FOR

Conditions
1. All prices quoted must be exclusive of Value Added Tax (VAT).
2. Prices quoted must include delivery charges and goods must be delivered to the address indicated
3. The pricing will be based on the percentage of the overall budget allocated for the project.
4. Quantities are given in good faith and without commitment to the JPC.
5. Vendors not registered for Value Added Tax with SARS will be treated as Non VAT vendors.
6. The price offered should incorporate fees for the QS, PM, preliminary Engineering services where required and preliminary Architectural services where required.
   6.1 Quantity Surveyors and /or Project Manager
   6.2 Preliminary Engineering assessment services
   6.3 Preliminary Architectural assessment services

Quotations submitted by Professionals or Service Providers not included in the relevant POP 03/2018- Panel of Professionals will not be considered.
6.4 Full social facilitation/ Stakeholder

6.5 Full contractor contract management

7. Should any work require full engineering and other services, detailed investigations and/or detailed specific design, the awarded bidder should motivate to JPC at that time giving reasons why it is required and the cost thereof
DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state.

2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.

3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1 Full Name of bidder or his or her representative:

3.2 Identity Number:

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

3.4 Company Registration Number:

3.5 Tax Reference Number:

3.6 VAT Registration Number:

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

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

3.8.1 If yes, furnish particulars.

1MSCM Regulations: "in the service of the state" means to be –
(a) a member of –
   (i) any municipal council;
   (ii) any provincial legislature; or
   (iii) the national Assembly or the national Council of provinces;

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

2 Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.
3.9 Have you been in the service of the state for the past twelve months? ........YES / NO

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

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

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

3.10.1 If yes, furnish particulars.

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

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

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

3.11.1 If yes, furnish particulars

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

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

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

3.12.1 If yes, furnish particulars.

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

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

3.13 Are any spouse, child or parent of the company’s directors trustees, managers, principle shareholders or stakeholders in service of the state? YES / NO

3.13.1 If yes, furnish particulars.

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

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

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

3.14.1 If yes, furnish particulars:

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

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

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<table>
<thead>
<tr>
<th>Full Name</th>
<th>Identity Number</th>
<th>State Employee Number</th>
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Signature..................................................................................................................

Date...........................................................................................................................

Capacity.......................................................................................................................

Name of Bidder...............................................................................................................
CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.

2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a pe se prohibition meaning that it cannot be justified under any grounds.

3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
   a. take all reasonable steps to prevent such abuse;
   b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
   c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

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

I, the undersigned, in submitting the accompanying bid:

________________________________________________________________________

(Bid Number and Description)

in response to the invitation for the bid made by:

________________________________________________________________________

(Name of Municipality / Municipal Entity)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: __________________________________________ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

(a) has been requested to submit a bid in response to this bid invitation;
(b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
(c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium\(^3\) will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

(a) prices;

(b) geographical area where product or service will be rendered (market allocation)

(c) methods, factors or formulas used to calculate prices;

(d) the intention or decision to submit or not to submit, a bid;

(e) the submission of a bid which does not meet the specifications and conditions of the bid; or

(f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

\(^3\) Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No. 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 or any other applicable legislation.

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Signature                              Date

..............................................  ..............................................
Position                              Name of Bidder