NAME OF BIDDER: .....

CSD NUMBER: .....

NOTICE AMOUNT .....

EMAIL & CONTACT NUMBER .....

CLOSING DATE 17 JUNE 2022

REQUEST FOR FORMAL WRITTEN QUOTATIONS
NOTICE 1 OF 2022 - INVESTIGATION OF IRREGULAR EXPENDITURE

Buffalo City Metropolitan Development Agency hereby invites suitably qualifying Service Providers to submit formal written quotations for Investigation of Irregular Expenditure

Enquiries should be addressed to Mr. A. Manciya at email address: aviwe@bcmda.org.za.

The detailed specifications are attached hereunder.

To ensure responsiveness to the notice Service Providers to take note of the following requirements (Compliance Evaluation):

1. Service Providers must be registered on National Treasury's Central Supplier Database and submit a summary report as proof of registration or alternatively reflect the CSD supplier number on their proposal;
2. All prospective/interested Service Providers should complete the MBD 4, MBD 7.1, MBD 8, MBD 9 and Declaration of Bidder forms which may be obtained from the BCMDA website: www.bcmda.org.za AND are appended to the notice document;
3. All prices must be inclusive of VAT, where applicable;
4. Use of Tippex and erasable ink will result in non- responsiveness.
5. Service Providers are required to submit valid B-BBEE Status Level Verification Certificates together with their notice, to substantiate their B-BBEE rating claims, failing which will result in a status level score of zero be assigned to the tenderer; a joint venture, trust or consortium; must submit a consolidated B-BBEE status level verification certificate.
6. Service Providers must submit confirmation that the bidder's municipal accounts are not in arrears for a period exceeding 3 months. Such confirmation must be for the company must be as follows:
    - statements of municipal accounts showing the age of the municipal debt; OR
    - a tenderers debt clearance certificate from their respective municipality that is stamped and signed by that municipality; OR

- lease agreements (signed by both lessor and lessee) must be submitted and must be supported by:
- a written confirmation from the lessor stating that the bidder is not in arrears with regards to their payment obligations in terms of the lease agreement.

7. IN ADDITION TO 6 ABOVE : Service Providers must submit confirmation that its directors' municipal accounts are not in arrears for a period exceeding 3 months. Such confirmation must be for the directors and must be as follows:
    - statements of municipal accounts showing the age of the municipal debt; OR
    - a tenderers debt clearance certificate from their respective municipality that is stamped and signed by that municipality; OR
    - lease agreements (signed by both lessor and lessee) must be submitted and must be supported by:
    - a written confirmation from the lessor stating that the bidder is not in arrears with regards to their payment obligations in terms of the lease agreement.
8. BCMDA reserves the right to request further written information or clarification on any aspect pertaining to this tender;
9. Quotations received after the specified closing time and date will not be considered;
10. The BCMDA does not bind itself to accept the lowest priced tender or any tender and reserves the right to accept the whole or part of the tender.
11. All quotations are valid for 90 days after the closing date;
12. Quotations must be sealed and completed in full. Unsigned or quotations submitted by facsimile, will not be accepted;
13. BCMDA will not take responsibility for incorrectly delivered quotations sent by courier. It is the bidder's responsibility to make sure that their quotation is correctly delivered in the tender box on or before the closing date of this notice;
14. The proposal or quotation must demonstrate the requirements detailed on the specifications below.
15. **NO QUOTATIONS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE AS DEFINED IN THE LOCAL GOVERNMENT MUNICIPAL FINANCE MANAGEMENT ACT 56 OF 2003: MUNICIPAL SUPPLY CHAIN MANAGEMENT REGULATIONS.**
16. **EMAILED QUOTATIONS WILL NOT BE ACCEPTED;**

Failure to submit the documents requested above (with the exception of the BBBEE certificate) will result in a tender being considered non-responsive and therefore not considered for the award of the contract.

Evaluation criteria:

Quotations meeting the tender conditions shall be evaluated on 80/20 basis, in line with the PPPFA. Responses to this NOTICE shall be evaluated on:

A. **COMPLIANCE EVALUATION**
B. **BIDS WILL BE EVALUATED ON THE FUNCTIONALITY CRITERIA AND BIDS THAT SCORE LESS THAN 72 (80%) POINTS OUT OF 90 (100%) POINTS WILL NOT BE ELIGIBLE FOR APPOINTMENT. EVALUATION CRITERIA AND WEIGHT IS DETAILED IN THE BID DOCUMENT.**
C. **PPPFA PREFERENTIAL POINTS CALCULATION AND PRICE**

Quotations must be submitted in hard copy in a sealed envelope, clearly marked: *NOTICE 1 OF 2022 – INVESTIGATION OF IRREGULAR EXPENDITURE and must be deposited in the QUOTATIONS BOX, At the offices of the Buffalo City Metropolitan Development Agency, 12 Esplanade Road, Quigney, East London, 5201 NOT LATER THAN THE CUT-OFF TIME OF 12H00 (MIDDAY) ON FRIDAY, 17 JUNE 2022.*

TERMS OF REFERENCE: INVESTIGATION OF IRREGULAR EXPENDITURE

1. INTRODUCTION

The Buffalo City Metropolitan Development Agency (BCMDA) is a municipal entity wholly owned by the Buffalo City Metropolitan Municipality and established in terms of S76 of the Municipal Systems Act, 32 of 2000, as amended.

The primary mandate of BCMDA is to attract investors into Buffalo City and increase economic growth through tourism, economic and social development as well as property management and commercialisation.

2. PURPOSE

The aim of these terms of reference is to call for consulting engagement proposals From Chartered Accountants and Auditors for the investigation of the irregular and fruitless and wasteful expenditure incurred by the Agency. A detailed schedule of the irregular expenditure will be provided to the successful tenderer.

3. BACKGROUND

The BCMDA's Policy governing unauthorized, irregular and fruitless and wasteful expenditure, in section 9.2 thereof states the following:

9.2.1 Once the Accounting Officer becomes aware of any allegation of Irregular or fruitless and wasteful expenditure, such allegation may be referred to the Agency's own Internal Audit Unit or any other appropriate investigative body for investigation, to determine whether or not grounds exist for a charge of financial misconduct to be laid against the official / political office bearer liable for the expenditure.

9.2.2 Once the investigation by Internal Audit (or relevant body) *is concluded, the Accounting Officer must table a report to the Board providing particulars of the Irregular or fruitless and wasteful expenditure, steps taken to recover such expenditure and steps taken to prevent recurrence of Irregular or fruitless and wasteful expenditure.*

3.1. IRREGULAR EXPENDTURE

3.1.1. IMPROPER BAC MEMBERSHIP

During the audit of 2018/19 financial year, the Auditor General identified and reported findings to the effect that the BAC of the BCMDA was not constituted

in line with the MFMA SCM Regulations, regulation 29, which states the following:

- "29 (2): A bid adjudication committee must consist of at least four senior managers of the municipality or municipal entity which must include-
  a. the chief financial officer or, if the chief financial officer is not available, another manager in the budget and treasury office reporting directly to the chief financial officer and designated by the chief financial officer;
  b. at least one senior supply chain management practitioner who is an official of the municipality or municipal entity; and
  c. a technical expert in the relevant field who is an official of the municipality or municipal entity, if the municipality or municipal entity has such an expert.
- 29 (4): Neither a member of a bid evaluation committee, nor an advisor or person assisting the evaluation committee, may be a member of a bid adjudication committee."

The BAC of the Agency consisted of the CFO and four other Senior Managers. No senior supply chain management practitioner was a member of the BAC as required by regulation 29(2)(b).

This led to the failure to comply with the SCM Regulations and findings from the AG. Thus, all expenditure above R200 000 that was subject to BAC recommendations was deemed to be irregular expenditure.

In resolving the findings, the Agency took the following step:

- The Board approved the appointment of an additional SCM official to address the issues relating to Bid Committee membership. The said Official was appointed in the 2019/20 financial year. No new irregular expenditure related to Bid Committee membership was further incurred.

The Agency outsources the Internal Audit function and during the 2019/20 financial year the Internal Auditors performed an investigation of the irregular expenditure that had been incurred on the affected contracts as at 30 April 2020. This led to a resolution by the Board to write off the entire amount of the irregular expenditure incurred and investigated at that time.

As the contracts that were affected by the finding were ongoing, further expenditure was incurred on them and accordingly the Agency appointed an independent firm of Chartered Accountants and Auditors to investigate expenditure incurred during the period 01 May 2020 to 30 June 2021. The Board resolved to write off the entire amount of irregular expenditure that was incurred as at 30 June 2021.

As advised and agreed with the Agency's Audit and Risk Committee, the basis for the investigations and write off thereof were mainly concentrated on achievement of value for money.

3.1.2. INCORRECT ADOPTION OF DRAFT GAZETTE

During the external audit of 2020/21, the Agency prematurely approved and implemented an updated SCM Policy that is aligned with Government Gazette No. 43810, 16 October 2020, which is still a draft and has not been approved by National Treasury. The draft gazette effectively proposes amendments to the procurement thresholds relating to competitive bidding such that competitive bids start from R750 001 instead of the approved R200 001. The Agency incorrectly implemented these changes in its SCM Policy approved in August 2021 and 5 contracts were affected.

3.2. FRUITLESS AND WASTEFUL EXPENDITURE

3.2.1. FINES AND PENALTIES RELATING TO SARS RETURNS

During the financial years ended 2017, 2018 and 2021 the Agency incurred fines and penalties relating to submission of VAT returns. These have been disclosed in the Agency's annual financial statements and no investigations have been performed to date.

3.2.2. FINES AND PENALTIES RELATING TO THE DEPARTMENT OF LABOUR

During the financial years ended 2018 and 2019 the Agency incurred fines and penalties relating to submission of return of earning to the Department of Labour. These have been disclosed in the Agency's annual financial statements and no investigations have been performed to date.

4. SCOPE OF WORK

The scope of work envisaged covers the following areas:

i. Reviewing and reporting on the root cause of irregular and fruitless expenditure identified.
ii. Reviewing the circumstances surrounding the occurrences that resulted in irregular and fruitless and wasteful expenditure and conclude if it is justifiable.
iii. Reviewing and confirming if the breaches were in good faith or intentional financial misconduct.
iv. Confirming whether the Agency received value or suffered any loss.
v. In the instances that the Agency has suffered the financial loss and determine the amount of loss that can be recoverable from the liable person, if applicable.
vi. Reporting to the management and Board of Directors (including Board Committees) with recommendations on the outcome of the investigation.
vii. Summary of irregular expenditure as at 31 May 2022:

DESCRIPTION	**2022**	**2021**
Opening Balance	398 730.40	2 155 529.00
Incurred in current year - Improper BAC	66 141 324.87	89 711 437.70
Incurred in current year - Draft gazette	1 539 072.35	398 730.40
Written off during the year	-	(91 866 966.70)
Closing balance	**68 079 127.62**	**398 730.40**

viii. Summary of fruitless and wasteful expenditure as at 31 May 2022:

DESCRIPTION	**2022**	**2021**
Opening Balance	121 154.97	75 472.30
Incurred in current year	-	58 973.15
Recovered during the year	-	-13 290.48
Closing balance	**121 154.97**	**121 154.97**
Closing balance breakdown		
- SARS Fines and penalties	113 920.59	
- Dept of Labour penalties	7 234.38	
	121 154.97	

ix. Detailed schedules and previous investigations' reports to be provided to the recommended bidder.
x. The above figures are subject to change as expenditure relating to the month of June may still be incurred.

5. SPECIAL CONDITIONS

The contract will be for a period of 6 weeks.

The firm of Chartered Accountants and Auditors appointed will be bound to and by the BCMDA Code of Conduct and Confidentiality of Information.

The Buffalo City Metropolitan Development Agency reserves the right to reject any proposal found to be inadequate or non-compliant to the Terms of Reference.

The successful tenderer will sign a Service Level Agreement (SLA). Reporting on the progress and completion of the contract will be made to BCMDA Management and Audit & Risk Committee.

The appointed service provider must be registered and in good standing with SAICA or IIA.

<table>
<tr><th>CRITERION</th><th>POINTS TO BE AWARED</th></tr>
<tr><td>Functionality</td><td></td></tr>
<tr><td><u>Competence of the Partner, Manager / Supervisor and Accountant / Auditor allocated in the Team</u>
<table>
<tr><th>Competence Requirements</th><th>Allocation of Points</th><th>Total Score</th></tr>
<tr><td>CA(SA) with minimum 5yrs experience within the team</td><td>30pts</td><td rowspan="3">30pts</td></tr>
<tr><td>CIA with minimum 5yrs experience</td><td>20pts</td></tr>
<tr><td>B. Com honors/B. Com with articles and minimum 5yrs experience</td><td>10pts</td></tr>
</table></td><td><u>Evidence to claim points</u>
1. CV’s demonstrating the number of years of experience;
2. Copies of qualifications</td></tr>
<tr><td><u>Membership of Professional Association</u>
<table>
<tr><th>Professional Body</th><th>Allocation of Points</th><th>Total Score</th></tr>
<tr><td><u>Team Members</u>
IIA and SAICA</td><td>10pts</td><td rowspan="3">20</td></tr>
<tr><td>IIA</td><td>5pts</td></tr>
<tr><td>SAICA</td><td>5pts</td></tr>
</table></td><td><u>Evidence to claim points</u>
1. Proof of professional registration.</td></tr>
<tr><td><u>Evidence of the firm experience in providing similar services in the local government sector.</u>
<table>
<tr><th>No. of Projects</th><th>Allocation of Points</th><th>Total Score</th></tr>
<tr><td>5 or more</td><td>40</td><td rowspan="5">40pts</td></tr>
<tr><td>4</td><td>30</td></tr>
<tr><td>3</td><td>20</td></tr>
<tr><td>2</td><td>10</td></tr>
<tr><td>1</td><td>5</td></tr>
</table></td><td><u>Evidence to claim points</u>
1. List of previous clients with contactable references.</td></tr>
<tr><td>Total</td><td>90</td></tr>
<tr><td>Minimum score required</td><td>72 (80%) (to qualify to the next stage of evaluation)</td></tr>
</table>

PRICING SCHEDULE

Service	**Rate/hour**	**Maximum Estimated hours**	**=TOTAL**
Partner			
Managers/Supervisors			
Accountant / Auditor			
Other Costs			
Accommodation @cost			
Travel and Subsistence @cost			
TOTAL		**240hrs** **(based on 6 weeks)**	

NOTE:

1. **BCMDA to be billed on actual hours worked.**
2. **Applicable time sheets to be provided with invoices.**

DECLARATION OF INTEREST

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

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, hareholder[2]):……..

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. ……

……..

[1]MSCM Regulations: "in the service of the state" means to be –

(a) a member of –
  (i) any municipal council;
  (ii) any provincial legislature; or
  (iii) the national Assembly or the national Council of provinces;

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

……

……

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

Full Name	Identity Number	State Employee Number

…….. ……..

Signature **Date**

…… ……

Capacity **Name of Bidder**

CONTRACT FORM – PURCHASE OF GOODS/WORKS/ SERVICES

PART I – FORM OF OFFER
(To be filled by the bidder)

a) I hereby undertake to supply all goods / works / service as described in the attached bidding documents:

_____ (Name of Company) in accordance with the requirements and specification stipulated in this document with **NOTICE 1 OF 2022** at the prices by quoted. My offer remains binding upon me and open for acceptance by the BCMDA during the validity period indicated and calculated from the closing time of bid.

b) THE OFFERED TOTAL OF THE PRICE INCLUSIVE OF VALUE ADDED TAX IS:

_____

_____Rand (in words);

R_____ (in figures)

c) Binding documents, viz
- Invitation to bid
- Pricing schedule
- Specification
- Declaration of interests
- Form of offer and acceptance
- General and Special conditions of the contract
- Other (please specify)

_____

d) I confirm that I have satisfied myself as to the correctness and validity of my bid that the prices and rates quoted cover all the goods/ works / services specified in the bidding documents; that the prices and rates cover all my obligations and I accept that any mistakes regarding prices / rates and calculations will be at my own risk.

e) I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.

f) I declare that I have no participation in any collusive practices with any bidder or any other person regarding this bid or any other bid.

g) Certify that the information furnished on declaration forms is true and correct.

h) I accept that, in addition to cancellation of a contract, action may be taken against me should the declarations proved to be false.

i) A Service Level Agreement (SLA) will be signed on acceptance of your offer which will detail the conditions of contract.

j) I confirm that I am duly authorised to sign this bid and the contract.

Signed at _____ on this_____ day of _____ 2022.

Name & Surname:

_____

Capacity:

_____

Signature:

_____

Name of Firm:

_____

Date:

_____

Initials & Surname of Witness: _____

12.2 PART II – ACCEPTANCE FORM
(To be filled by the BCMDA)

a) I _____ in my capacity as

_____ accept your bid under reference **NOTICE 1 OF 2022** for the supply of goods / works / services indicated hereunder and further specified in the annexure(s).

b) I undertake to make payment for the goods delivered / works / services rendered in accordance with the terms and conditions of this contract within 30 (thirty) days after receipt of invoice accompanied by proof of delivery note /.

c) I confirm that I am duly authorised to sign this contract.

Signed at _____ on this ____ day of _____ 2022.

Initials & Surname:

_____

Signature:

_____

Name of Institution:

_____

Date:

_____

Initials & Surname of Witness:

_____

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1 This Municipal Bidding Document must form part of all bids invited.

2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.

3 The bid of any bidder may be rejected if that bidder, or any of its directors have:

a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
b. been convicted for fraud or corruption during the past five years;
c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).

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

Item	Question	Yes	No
4.1	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 *audi alteram partem* 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 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 Does Is 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 ☐
4.7.1	If so, furnish particulars:		

CERTIFICATION

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

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

……... ……..
Signature **Date**

……. ……..
Position **Name of Bidder**

Js367bW

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Municipal Bidding Document (MBD) must form part of all bids[1] 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.

…… ……..

Signature Date

…… ……

Position Name of Bidder

Js9141w 4

DECLARATION OF BIDDER

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise: i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order; ii) confirms that neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004; iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption; iv) confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and iv) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.
Signed
Name
Enterprise Name