



**MSUKALIGWA LOCAL MUNICIPALITY  
REQUEST FOR QUOTATION**

**MLM078/03/2023**

**CLOSING DATE: 11 APRIL 2023, 12H00**

**MLM078/03/2023**

**SUPPLY AND DELIVERY OF 100W LED STREET LIGHT FITTING**

**THE RFQ MUST BE SUBMITTED TO THE SUPPLY CHAIN MANAGEMENT UNIT OFFICE AT THE 4<sup>TH</sup> FLOOR FINANCE DEPARTMENT. THE SUPPLIER WILL BE REQUIRED TO COMPLETE AND SIGNED THE REGISTER**

The Msukaligwa Local Municipality invites quotations for the **SUPPLY AND DELIVERY OF 100W LED STREET LIGHT FITTING** from suitably experienced and authorised vendors.

Functionality testing does apply to this bid as it calls for the supply of goods. Adherence to minimum technical specification applies. Vendors quoting on the equivalent model must supply sufficient evidence and demonstrate the ability of their proposal at their own cost.

Technical Enquiries relating to this RFQ may be addressed to whilst administrative issues be directed to **Ms. Babongile Maseko** Tel 017 801 3501, email: bpmaseko@msukaligwa.gov.za

The RFQ Documents can be submitted during normal working hours which are 07h30 - 16h15 Mondays to Fridays. **This bid document is available for Download on E-Tender Portal and collection at the SUPPLY CHAIN UNIT at Msukaligwa Local Municipality building at the fourth floor Finance Department.**

The closing date for receipt of this RFQ is 12h00 on **11 APRIL 2023**. Telegraphic, telephonic, facsimile, e-mail and Late or incomplete submissions will not be accepted. Submissions must be deposited in the Tender Box situated at the Main Reception of the Msukaligwa Local Municipality, Corner of Kerk and Taute Streets, Ermelo.

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**BIDDERS WHO ARE NOT REGISTERED ON CENTRAL SUPPLIER DATABASE WILL NOT BE CONSIDERED (TO REGISTER LOG ON TO: WWW.CSD.GOV.ZA)**

This RFQ may only be submitted on the documentation that is issued. Supporting and additional documentation are welcome.

All submissions will be adjudicated in terms of the Msukaligwa Local Municipality's Procurement Policy and in terms of the Preferential Procurement Policy Framework Act, Act No. 5 of 2000, as well as National Treasury guideline, MFMA Circular no: 53 pertaining to the evaluation of Functionality of Service Providers. The 80/20 scorecard is applicable to this RFQ. The Council reserves the right not to award the RFQ to the lowest bid or not at all or in part.

Verified By:   
Mr. M. KUNENE  
Date: 03/04/23

Issued By:   
Mr. P.J. NHLABATHI  
Date: 03/04/2023

MUNICIPAL MANAGER  
MSUKALIGWA LOCAL MUNICIPALITY  
Corner of Kerk and Taute Streets, Ermelo  
PO Box 48, Ermelo, 2350



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Bidders must complete the proposal Document where entries by the Bidder are required, in indelible black ink, and notice must be taken that tip-ex or any other corrective measures may not be used in the document. All alterations must be initialled or signed by the authorised submitter.

No awards will be made to a person:

- Who is in the service of the state,
- If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state,
- Who is an advisor or consultant contracted with the municipality or municipal entity and,
- When the Company is restricted to do business with the Organs of the state.

**The following compulsory documents must be attached (Bidders that fail to submit the following documents will be disqualified):**

1. Original certified ID copy (ies) of the Director (s) as detailed in the CIPC
2. Copy of company registration certificate (CK)
3. Original Tax Clearance or Tax Pin
4. Municipal account statement of the company as per the address on the CIPC and CSD for all the Directors of the company if different from that of the company (not owing for more than 90 days. Lease agreement with the Lessee's rates and taxes account.
5. Copy of updated CSD full report (Not Summary/compliance history) NOT OLDER THAN 30 DAYS
6. All MBD forms where required are to be completed in full
7. Letter of Authority in the company's letter head and signed is required.
8. Quotation in the company's letterhead must be signed

**INITIAL / SIGN ALL PAGES OF THE RFQ DOCUMENT!**

Verified By:

Mr. M. KUNENE

Date:

03/04/2023

MUNICIPAL MANAGER  
MSUKALIGWA LOCAL MUNICIPALITY  
Corner of Kerk and Taute Streets, Ermelo  
PO Box 48, Ermelo, 2350

Issued By:

Mr. P.J NHLABATHI

Date:

03/04/2023

**MSUKALIGWA LOCAL MUNICIPALITY  
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**SCHEDULE A: INVITATION TO BID (MBD 1)**

**PART A**

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (MSUKALIGWA LOCAL MUNICIPALITY)**

BID NUMBER: <b>MLM078/03/2023</b>	CLOSING DATE:	11 APRIL 2023	CLOSING TIME: <b>12:00</b>
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DESCRIPTION	<b>SUPPLY AND DELIVERY OF 100W LED STREET LIGHT FITTING</b>
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**THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).**

BID RESPONSE DOCUMENTS MAY BE HAND DELIVERED TO SUPPLY CHAIN MANAGEMENT UNIT SUITED AT THE FOURTH FLOOR OF FINANCE.

<b>MSUKALIGWA LOCAL MUNICIPALITY</b>
Corner of Kerk and Tautu Street
Ermelo, 2350
Supply chain management Unit 4 <sup>th</sup> Floor, Finance Department

**SUPPLIER INFORMATION**

NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE	NUMBER	
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE	NUMBER	
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			
TAX COMPLIANCE STATUS	TCS PIN:	OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No

**[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]**

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**BIDDER**

**MSUKALIGWA LOCAL MUNICIPALITY  
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<p>1.1.1.1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</p>	<p align="center"><input type="checkbox"/>Yes                      <input type="checkbox"/>No [IF YES ENCLOSE PROOF]</p>	<p>1.1.1.2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICE S /WORKS OFFERED ?</p>	<p align="center"><input type="checkbox"/>Yes                      <input type="checkbox"/>No [IF YES, ANSWER PART B:3 ]</p>
<p>1.1.1.3 TOTAL NUMBER OF ITEMS OFFERED</p>		<p>1.1.1.4 TOTAL BID PRICE</p>	<p align="center">R</p>
<p>1.1.1.5 SIGNATURE OF BIDDER</p>		<p>1.1.1.6 DATE</p>	

1.1.1.7 CAPACITY UNDER WHICH THIS BID IS SIGNED:

\_\_\_\_\_

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT	Finance- SCM Unit	CONTACT PERSON	GP Buthelezi
CONTACT PERSON	Ms. Babongile Maseko	TELEPHONE NUMBER	017 801 3463
TELEPHONE NUMBER	017 801 3501	FACSIMILE NUMBER	N/A
FACSIMILE NUMBER	N/A	E-MAIL ADDRESS	gbuthelezi@msukaligwa.gov.za
E-MAIL ADDRESS	bpmaseko@msukaligwa.gov.za		

**PART B  
TERMS AND CONDITIONS FOR BIDDING**

<p><b>1. BID SUBMISSION:</b></p> <p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED--(NOT TO BE RE-TYPED) OR ONLINE</p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p>
<p><b>2. TAX COMPLIANCE REQUIREMENTS</b></p> <p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE</p>

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WEBSITE WWW.SARS.GOV.ZA.

- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

**3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

- 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES  NO
- 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?  YES  NO
- 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  YES  NO
- 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO
- 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?  YES  NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.  
NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

DATE: .....

**SCHEDULE B: SPECIFICATION**

Your quote must be in terms of these minimum specifications.

Item	QTY	Minimum Requirements Standard/Compliance	Unit Cost VAT excl	Cost VAT excl
1	100	100W LED STREET LIGHT FITTING		

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**SCHEDULE C: PRICE**

Affix your Official Quote Clearly showing Banking Details, Physical and Postal Addresses. Quantities are subject to change and will be confirmed before placing the order. Also fill in full the under-mentioned Price as requested.

**PRICE**

**SUPPLY AND DELIVERY OF 100W LED STREET LIGHT FITTING**

<b>Bid Price:</b>	R	<b>Excluding VAT</b>
<b>VAT (15%)</b>	R	<b>If VAT registered)</b>
<b>Total Bid Price:</b>	R	<b>VAT Included</b>

I, .....,  
(state name and designation)

being duly authorised to submit tenders and quotations on behalf of

.....  
(state company name)

.....  
(Bidder's Signature)

And confirm that

- a. The goods and services will be supplied based on the minimum technical specifications adhered to and the price submitted.
- b. The attached official quotation in Schedule B is a true and complete reflection of this submission.
- c. Omissions and errors will be for our account and not the Msukaligwa Local Municipality when making good on this submission.
- d. Prices to be valid for 90 days.

**SCHEDULE D: VALID SARS TAX PIN**

**• AFFIX SARS E-FILLING PIN**

- a) It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.
- b) In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate SARS Tax Compliance Pin.
- c) PIN NUMBER \_\_\_\_\_

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**SCHEDULE E: MUNICIPAL SERVICES**

- Municipal utility account invoice must be in line with the address on the CSD (not older than three months)
- If the company is operating on leased premises, both the lease agreement and the Municipal Utility account invoice must be attached, the same address as in both documents. (Failure to do so will lead to disqualification)

**SCHEDULE F: CSD REGISTRATION STATUS**

- 1.2 Submit the proof of your Central Suppliers Database registration
- 1.3 MAAA.....

**SCHEDULE G: DECLARATION OF INTEREST MBD4**

Name of Bidder:					
Bid Number:	MLM078/03/2023	Closing Date:	11 APRIL 2023	Closing Time:	12h00

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 and/or take an oath declaring his/her interest.
3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1	Full Name:	
3.2	Identity Number:	
3.3	Company Registration Number:	
3.4	Tax Reference Number:	
3.5	VAT Registration Number:	
3.6	Are you presently in the service of the state*? If so, furnish particulars:	YES/NO

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3.7	Have you been in the service of the state for the past twelve months? If so, furnish particulars:	YES/NO
3.8	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? If so, furnish particulars:	YES/NO
3.9	Are you, aware of any relationship (family, friend, other) between a bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? If so, furnish particulars:	YES/NO
3.10	Are any of the company's directors, managers, principal shareholders or stakeholders in service of the state? If so, furnish particulars:	YES/NO
3.11	Are any spouse(s), child or parent of the company's directors, managers, principal shareholders, or stakeholders in service of the state? If so, furnish particulars:	YES/NO
3.12	Are any spouse(s), child or parent of the company's directors, managers, principal shareholders or stakeholders in service of the state? If so, furnish particulars:	YES/NO
3.13	Do you or any of the directors, trustees, managers, principal 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? If so, furnish particulars:	YES/NO

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**MBD 4**

\* MSCM Regulations: "in the service of the state" means to be a member of any municipal council; any provincial legislature; or the national Assembly or the national Council of provinces; a member of the board of directors of any municipal entity; an official of any municipality or municipal entity; 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); a member of the accounting authority of any national or provincial public entity; or an employee of Parliament or a provincial legislature.

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

Full Name	Identity Number	State Employee Number

**CERTIFICATION**

I, THE UNDERSIGNED (NAME)

.....

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

-----  
Signature

-----  
Date

-----  
Position

-----  
Name of Bidder

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**SCHEDULE H: MBD 6.1 PREFERENCE POINT CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT 2022**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for specific goals.

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF BID DOCUMENT, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022.**

**1. GENERAL CONDITIONS**

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

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

1.2 **To be completed by organ of state**

- a) The value of this bid is estimated to **not exceed** R200 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable: or
- b) The 80/20 preference point system will be applicable to this tender. The lowest/highest acceptable tender will be used to determine the accurate system once tenders are received.

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

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

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

	<b>POINTS</b>
<b>PRICE</b>	80
<b>SPECIFIC GOALS</b>	20
<b>Total points for Price and Specific Goals must not exceed</b>	<b>100</b>

1.5 Failure on the part of a bidder to submit proof or documents required in terms of this bid document to claim points for specific goals, will be interpreted to mean that preference points for specific goals of contribution are not claimed.

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

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**2. DEFINITIONS**

- (a) **“price”** means an amount of money tendered for goods or services and includes all applicable taxes less all unconditional discounts.
- (b) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals.
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by the purchaser in response to an invitation for the origination of income-generating contracts through any methods envisaged in legislation that will result in a legal agreement between the purchaser and the third party that produces revenue for the purchaser, and includes, but not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions;
- (e) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents; and
- (f) **“The Act”** means the Preferential Procurement Policy Framework Act, 2000(Act No.5 of 2000.

**3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES**

**(a) POINTS AWARDED FOR PRICE**

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

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

Where

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

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

**(b) FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT**

**(b)(i) POINTS AWARDED FOR PRICE**

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

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$$P_s = 80 \left( 1 + \frac{80/20 (P_t - P_{max})}{P_{max}} \right)$$

Where

- Ps = Points scored for price of bid under consideration  
Pt = Price of bid under consideration  
Pmax = Price of Highest acceptable bid

**4. POINTS AWARDED FOR SPECIFIC GOALS**

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

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

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

(b) any other invitation for tender, that either the 80/20 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

(c) then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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**Table 1: Specific goals for the tender/RFQ and the points claimed are all indicated as per the table below**

**For Rand Value equal to or below R 200 000, the formula will be used for price.**

The specific goals allocated points in terms of this RFQ	Number of Points allocated (80/20 system) (To be completed by the organ of State)	Number of Points claimed (90/10 system) (To be completed by the service provider)
Women (one or more women in the company)	10	
Youth (One or more youth in the company)	5	
Disability (one or more people living with disability in the company)	3	
HDI (Historical disadvantage individual)	2	
<b>Total Points</b>	<b>20</b>	

**5. DECLARATION WITH REGARD TO COMPANY/FIRM**

5.1 Name of company/firm:.....

5.2 VAT registration// number:.....

5.3 Company registration /number:.....

**5.4 TYPE OF COMPANY/ FIRM**

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

**5.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

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

**8.5 COMPANY CLASSIFICATION**

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

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

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**SCHEDULE J: MBD 8: 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) wilfully 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 Bid 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	Response	
4.1	<p>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?</p> <p>(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).</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Bid Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>(To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon "Register for Bid Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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

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Signature

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Date

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Position

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Name of Bidder

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**SCHEDULE K: MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> 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:

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

<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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**MBD 9**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned:

\_\_\_\_\_  
(Full Name of Person Submitting Response)

in submitting the accompanying bid

**MLM078/03/2023: SUPPLY AND DELIVERY OF 100W LED STREET LIGHT FITTINGS**

in response to the invitation for the bid made by:

**MSUKALIGWA LOCAL MUNICIPALITY**

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 authorised 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 authorised 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

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communication between partners in a joint venture or consortium <sup>3</sup> 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.
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.

<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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Position

\_\_\_\_\_  
Name of Bidder

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**SCHEDULE L: BANKING DETAILS NOT MORE THAN 3 MONTHS**

- 1.4 Submit a letter from your bank clearly reflecting your banking details.
- 1.5 Optional to creditors who have already done business with MLM

**SCHEDULE M: FUNCTIONALITY TEST**

**13.1 RELEVANCE**

All proposals will be evaluated in terms of functionality with maximum of 100 functionality points. All proposals meeting minimum scores of 80 points (i.e. 100%) will be considered for the next and final evaluation stage whereby proposals will be evaluated in terms of price and the applicable procurement system depending on the bid price. The preferential points are allocated in accordance with the Preferential Procurement Regulations.

**B: FUNCTIONALITY CRITERIA**

NONE

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