



## REQUEST FOR FORMAL WRITTEN PRICE QUOTATIONS:

### **RFQ86/2024-2025: SUPPLY AND DELIVERY OF 20L GLYPHOSATE 540 AND 16L BACKPACK SPRAYER – CLANWILLIAM TECHNICAL DEPARTMENT**

Cederberg Municipality hereby invites quotations for abovementioned services.

Documents with specifications are obtainable, during office hours, from The Supply Chain Management Unit, Cederberg Municipality, 2A Voortrekker Street, Clanwilliam or at [scm@cederbergraad.co.za](mailto:scm@cederbergraad.co.za).

Technical enquiries relating to the quotation documents may be addressed to: Mr. Thanduxolo Kambi e-mail: [thanduxolok@cederberg.gov.za](mailto:thanduxolok@cederberg.gov.za)

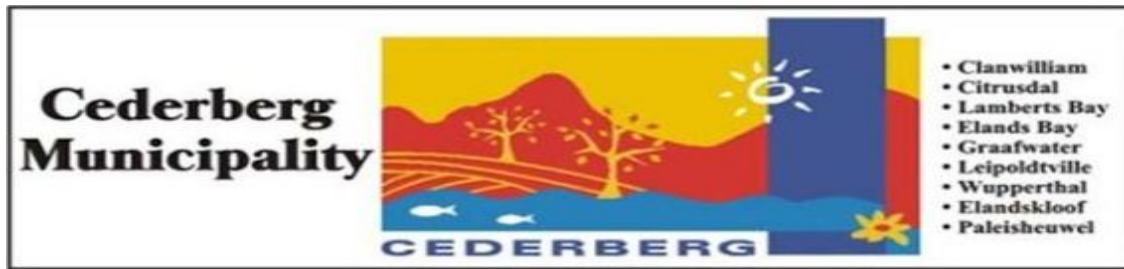
The quotation must be clearly endorsed/marked with Reference number: **RFQ86/2024-2025** submitted on the letterhead of your business and can either be e-mailed or delivered by hand not later **than 12:00, Tuesday, 28 January 2025** to: Supply Chain Management Office, Cederberg Municipality, 01 Plein Street, Clanwilliam or [scm@cederbergraad.co.za](mailto:scm@cederbergraad.co.za). Telephonic, facsimile and late quotations will not be accepted. Quotations must remain valid for a period of 30 days after the closing date.

Quotations will be evaluated according to the 80/20 preference points system. The quotation is subject to the Council Supply Chain Management Policy, Preferential Procurement Policy Framework Act, 2000, and the Preferential Procurement Regulations 2022.

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

**NO QUOTATION WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE AS DEFINED IN THE MUNICIPAL SUPPLY CHAIN MANAGEMENT REGULATIONS (GOVERNMENT GAZETTE NO 40553 DATED 20 JANUARY 2017).**

Mr.R De Ridder  
Acting Municipal Manager  
Cederberg Municipality



## REQUEST FOR FORMAL WRITTEN PRICE QUOTATIONS:

**QUOTATION REFERENCE:RFQ86/2024-2025: SUPPLY AND DELIVERY OF 20L GLYPHOSATE 540 AND 16L BACKPACK SPRAYER – CLANWILLIAM TECHNICAL DEPARTMENT**

Kindly furnish us with a formal written price quotation as per attached specifications:

The quotation must be clearly endorsed/marked with Reference number: RFQ86/2024-2025 submitted on the letterhead of your business and can either be, e-mailed or delivered by hand not later than 12:00, Tuesday, 28 January 2025 to:

Supply Chain Management Office, Cederberg Municipality, 01 Plein Street, Clanwilliam. E-mail to [scm@cederbergraad.co.za](mailto:scm@cederbergraad.co.za)

### The following conditions will apply:

- Price(s) quoted must be valid for at least thirty (30) days from date of your offer.
- Price(s) quoted must be firm and must be inclusive of VAT.
- A firm delivery period must be indicated.
- Only fully submitted quotations will be considered at date and time of closing.
- It is expected of all prospective service providers who are not yet registered on the Central Supplier Database (CSD) to register without delay.
- The Municipality reserves the right not to award formal written price quotations to prospective suppliers who are not registered on the Database (CSD). Service providers to submit proof of registration on the CSD with quotation submissions
- The prospective Service providers attention is drawn to the following list of forms and other documents that need to be completed and submitted with his/her quotation documents **(Note: suppliers who have conducted business in the current financial year (01 July 2024 – current) and have already completed MBD4 , MBD8 & MBD9 forms and no changes have occurred in the business do not need to complete abovementioned forms again.)**
  - a) Declaration of Interest (MBD4)
  - b) Declaration in terms of Clause 112(1)(l) of the Municipal Finance Act, Act No 56 of 2003 (MBD8).

- c) Bidder should provide a valid tax clearance certificate or tax compliance status PIN to enable the municipality to verify the bidder tax clearance status.
  - d) Proof of registration for VAT (if applicable)
  - e) Certificate of independent determination (MBD9)
  - f) A original and valid B-BBEE Verification Certificate or certified copies
- In terms of Clause 112(1)(l) of the Municipal Finance Management Act, Act No 56 2003, persons who were convicted for fraud or corruption or who wilfully neglected, reneged on or failed to comply with a government tender during the past 5 years, or whose tax matters are not cleared by the South African Revenue Services may not participate in the tendering process and the Bidder shall submit a sworn statement, a declaration of bidder's past Supply Chain Management practices to this effect (MBD8).
  - The quotation must be completed in black ink and any corrections to the official quotation from must be made in Black ink and signed by the bidder. Any quotation received with correction fluid (Tippex) corrections shall be disqualified.
  - Tenders that are not clearly endorsed, or which are received after the closing time and date will not be considered.
  - The bid documents should be carefully completed and no errors will be condoned after bids have been opened.
  - The fact and action of handing in a quotation to the Council is accepted as a contract between the Council and the Bidder whereby such a quotation remains valid and available for a period of thirty (30) days, calculated from the closing date as advertised for the quotation, for acceptance or non-acceptance by the Council. The bidder undertakes not to withdraw, or alter, the quotation during this period.
  - Notice of acceptance of the quotation by the Municipal Manager will be considered as a binding contract with effect from the date of such notice.
  - The Council does not bind itself to accept the lowest or any, quotation and reserves the right to accept any quotation in whole or part.
  - The bidder will be liable to take out forward cover to barricade him/her against fluctuations of the exchange rate in the event of importing any component, related to the quotation, from any country dealing in currency other than that of South Africa.
  - Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer 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. A declaration of interest form must be completed and submitted to this effect (MBD4).
  - A certificate of independent determination (MBD9) must be completed and submitted with your quotation. This is to inform bidders about the illegality of bid rigging and the penalties applicable to enterprises found to have engaged in such practices and the possible investigations and imposition of administrative penalties by the Competition Commission

- The bid of any person who canvasses or solicits, or causes to be canvassed or solicited, the support of any person employed by or in the service of the Employer or of the Agent, Consulting Engineer in favour of his/her offer will not be considered.
- This quotation will be evaluated in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Regulations of 2022. The Preference Points claim form in terms of the Preferential Procurement Regulations 2022, 80/20 (MBD6.1) must be scrutinized, completed and submitted together with your quotation.
- Bidders wishing to benefit from it must submit a original and valid B-BBEE Verification Certificate or certified copies thereof from a Verification Agency accredited by the South African Accreditation System (SANAS) or sworn affidavit as prescribed by Department of Trade and Industry together with the quotation. Failure to submit the abovementioned will result in the bidder only receiving the applicable points for price. The Municipality reserves the right to request proof of empowerment.
- A valid tax clearance certificate, issued by the South African Revenue Services (SARS), must accompany your quotation or the bidder should provide the PIN that can be shared with third parties to enable third parties to verify or confirm the tax compliance status of the bidder to whom the PIN belongs. Official purchase order will only be placed against provision of tax clearance certificate or master registration number or tax compliance status PIN.
- A signed declaration / consent to the processing by the Cederberg Municipality or its stakeholders of their personal information and all other personal information contained therein, as contemplated in the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) and Regulations promulgated thereunder ("POPI Act").
- Transactions will be subject to General Conditions of Contract (GCC) (Available on the website)
- The successful provider will be the one scoring the highest points.

**NB: No quotations will be considered from persons in the service of the state**

**Failure to comply with these conditions may invalidate your offer.**

Yours faithfully

SUPPLY CHAIN MANAGEMENT OFFICE  
 TEL: 027 482 8000  
 E-MAIL: [scm@cederbergraad.co.za](mailto:scm@cederbergraad.co.za)  
 21 January 2025

## MBD 4

### DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of 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<sup>2</sup>): .....

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.....

.....

<sup>1</sup>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.

<sup>2</sup> 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**

.....  
**Name of Bidder**

## PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

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

**NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022**

### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

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

a) The applicable preference point system for this tender is the 80/20 preference point system.

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

- (a) Price; and
- (b) Specific Goals (B-BBEE status level contribution and Locality).

1.3 The maximum points for this tender are allocated as follows:

|   | POINTS                       |
|---|------------------------------|
| PRICE                                     | 80                           |
| SPECIFIC GOALS                            | 20 (10 BBEE and 10 Locality) |
| TOTAL POINTS FOR PRICE AND SPECIFIC GOALS | 100                          |

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



#### 1.4.1 B-BBEE

Failure on the part of a tenderer to submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African National Accreditation System (SANAS), or a sworn affidavit confirming annual turnover and level of black ownership in case of an EME and QSE together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

#### 1.4.2 LOCALITY

Failure on the part of tenderer to submit the following:

- where the tenderer is the owner of the property / business:
  - municipal account registered in the name of the tenderer not older than 3 months;
- where the tenderer is not the owner of the property / business:
  - a valid lease agreement; or
  - affidavit from the property owner that the address used to claim points in the MBD 6.1 is being rented out to the tenderer at no cost not older than 3 months.
- where the tenderer submitted incorrect or outdated information (account, lease agreement or affidavit) or none of the above, it will be interpreted to mean that preference points for Locality are not claimed.

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

## 2 DEFINITIONS

- (a) “**tender**” means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) “**price**” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) “**tender for income-generating contracts**” means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) “**the Act**” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 3 FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

### 3.1.1 THE 80/20 POINT SYSTEMS

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

**80/20**

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

#### 3.2.1. POINTS AWARDED FOR PRICE

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

**80/20**

$$Ps = 80 \left( 1 + \frac{Pt - Pmax}{Pmax} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

## 4. POINTS AWARDED FOR SPECIFIC GOALS

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

#### 4.1.1 B-BBEE

| B-BBEE STATUS LEVEL OF CONTRIBUTOR | NUMBER OF POINTS FOR PREFERENCE (80/20) |
|------------------------------------|---|
| 1                                  | 10                                      |
| 2                                  | 9                                       |
| 3                                  | 7                                       |

|                            |   |
|----------------------------|---|
| 4                          | 6 |
| 5                          | 4 |
| 6                          | 3 |
| 7                          | 2 |
| 8                          | 1 |
| Non –compliant contributor | 0 |

#### 4.1.2 LOCALITY

| LOCALITY OF SUPPLIER  | NUMBER OF POINTS FOR PREFERENCE (80/20) |
|---|---|
| Within the boundaries of the Cederberg Municipality                         | 10                                      |
| Within the boundaries of the West Coast District Municipality               | 5                                       |
| Within the boundaries of the Western Cape                                   | 2                                       |
| Outside the boundaries of Western Cape Province or failure to provide proof | 0                                       |

#### 4.2 DECLARATION

Bidders who claim points in respect of B-BBEE and Locality must complete the following:

##### 4.2.1 B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.4.1 AND 4.1.1

B-BBEE Status Level of Contribution: \_\_\_\_\_ (maximum of 10 points)

##### 4.2.2 LOCALITY CLAIMED IN TERMS OF PARAGRAPH 1.4.2 AND 4.1.2

LOCALITY: \_\_\_\_\_ (maximum of 10 points)

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

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

5.2. Company registration number: .....

##### 5.3. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

#### 5.4 MUNICIPAL INFORMATION

Municipality where business is situated: \_\_\_\_\_

STREET ADDRESS OF BUSINESS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REGISTERED MUNICIPAL ACCOUNT NUMBER: \_\_\_\_\_

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

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

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

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

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....

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

## 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. 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   | <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?<br/>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alter-am partem</i> rule was applied).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p> | <p>Yes<br/><input type="checkbox"/></p> | <p>No<br/><input type="checkbox"/></p> |
| 4.1.1 | If so, furnish particulars:   |   |  |
| 4.2   | <p>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)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>  | <p>Yes<br/><input type="checkbox"/></p> | <p>No<br/><input type="checkbox"/></p> |

|             |  |                                 |                                |
|-------------|--|---------------------------------|--------------------------------|
| 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<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.3.1       | If so, furnish particulars:  |                                 |                                |
| <b>Item</b> | <b>Question</b>  | <b>Yes</b>                      | <b>No</b>                      |
| 4.4         | Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months? | Yes<br><input type="checkbox"/> | No<br><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<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.5.1       | If so, furnish particulars:  |                                 |                                |

### CERTIFICATION

I, THE UNDERSIGNED (FULL NAME) .....CERTIFY THAT THE INFORMATION FURNISHED ON THISDECLARATION FORM IS 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**

**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**

### **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<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.

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

<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.

## DECLARATION / CONSENT FOR THE PROTECTION OF PERSONAL INFORMATION

In submitting any information or documentation requested in this quotation document, or any other information that may be requested pursuant to this quotation, bidders are consenting to the processing by the Cederberg Municipality or its stakeholders of their personal information and all other personal information contained therein, as contemplated in the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) and Regulations promulgated thereunder ("POPI Act"). Further, bidders declare that they have obtained all consents required by the POPI Act or any other law applicable. Thus, bidders hereby indemnify the Cederberg Municipality against any civil or criminal action, administrative fine, or other penalty or loss that may arise because of the processing of any personal information that they submit.

The data subject agrees that their personal information for a specific quotation may only be recorded and processed for that specific quotation the information was provided for. Information is not to be used for any future quotations or any other use. The following can be classified as personal information:

- contact information (telephone, email, residential or postal address)
- demographic information (age, gender, birth date, ethnicity)
- history (financial information or records, employment history or health records)
- Correspondence
- Biometric information

The data/ personal information for the specific quotation will be retained for a minimum period of five (5) years.

### **Consent for the processing of personal information in terms of the Protection of Personal Information Act, Act 4 of 2013 ('POPIA')**

I hereby authorise Cederberg Municipality to use, review and process any personal information (as defined in POPIA) provided in this quotation submission in support of the application made hereby: I understand my right to privacy and the right to have my personal information processed in accordance with the conditions for the lawful processing of personal information and hereby give my consent to the Cederberg Municipality to collect, process, store, and distribute relevant personal information where the Municipality may be required to do so, solely in respect of this application, and to dispose of such personal information as required by law, on the understanding that the Municipality:

- Implements reasonable security safeguards designed to protect personal data from loss, misuse, alteration, destruction, or damage; and
- takes steps to limit access to personal data to those officials who need to have access to it

.....  
**Signature of customer/applicant**

.....  
**Date**

## SPESIFIKASIE / SPECIFICATION

[illegible]

