



ETHEKWINI MUNICIPALITY

Request for Quotations

Date: 08 June 2018

ENQUIRY NUMBER: 2017-18 / 095 DISTRIBUTION OF THE GAZETTE

The eThekweni Municipality's Communications Unit invites eligible and accredited service providers to submit written quotations for the following services:

The scope of the contract covers the distribution of a minimum twelve page fortnightly full colour tabloid newspaper throughout the eThekweni municipal area, for an estimated 5 month period, anticipated to commence in July 2018. The newspaper is to be collected from the appointed printer and be distributed within 72 hours in the relevant regions as per the instruction of the Municipality's Communication Unit.

Copies of the eZasegasini Metro newspaper found dumped will lead to the immediate termination of the distribution contract.

The Municipality prints 600 000 copies of the eZasegasini Metro every fortnight in two languages, ie English and isiZulu. The intention is to share the distribution among the four companies in the following manner:

Region	Estimated Quantity (Per Issue)	Quotation price Exclusive of VAT per copy	VAT Amount	Quotation price inclusive of VAT	Total Quotation Price including VAT (Cost per copy x 161,550)
NORTH	161,550 copies				
Eng: 82,900					
Zul: 78,650					
	TOTAL (incl. VAT)				

Region	Estimated Quantity (Per Issue)	Quotation price Exclusive of VAT per copy	VAT Amount	Quotation price inclusive of VAT	Total Quotation Price including VAT (Cost per copy x 160,450)

SOUTH	160,450 copies				
Eng: 80,850					
Zul: 79,600					
	TOTAL (incl. VAT)				

Region	Estimated Quantity (Per Issue)	Quotation price Exclusive of VAT per copy	VAT Amount	Quotation price inclusive of VAT	Total Quotation Price including VAT (Cost per copy x 136,750)
CENTRAL	136,750 copies				
Eng: 70,500					
Zul: 66,250					
	TOTAL (incl. VAT)				

Region	Estimated Quantity (Per Issue)	Quotation price Exclusive of VAT per copy	VAT Amount	Quotation price inclusive of VAT	Total Quotation Price including VAT (Cost per copy x 141,250)
WEST	141,250 copies				
E: 71,950					
Z: 69,300					
	TOTAL (incl. VAT)				

For the purpose of adjudication, Communications Unit will give consideration to the responsive bidders. Suppliers are requested to quote for only one region of their choice. If more than one region is quoted for – this will lead to a disqualification.

Responsive tenders will be evaluated utilising the 80/20 system, where a maximum of 80 points will be awarded for tendered price and functionality, and a maximum of 20 will be awarded for procurement empowerment points.

Quantities may increase or decrease.

Suppliers have to be registered via National Treasury's Centralised Supplier Database (CSD) on www.csd.gov.za.

Failing to register on the National Treasury's database will result in your business being non-compliant with the legislation and as a consequence will not be permitted to transact with eThekweni Municipality.

After successfully registering on the CSD, suppliers are to ensure that they are also registered on the eThekweni Vendor Portal on www.ethekwinivendor.durban.gov.za.

The distribution model will be provided by the Communications Unit.

REQUIREMENTS/CRITERIA

- Own staffing
- Own transport

The submission must include the following:

1. Valid tax clearance certificate
2. BBBEE certificate
3. Declaration of Municipal fees
4. Declaration of Interest (MBD 4)
5. Certificate of Independent Bid (MBD 9)
6. Company Profile
7. Schedule of Experience
8. Portfolio of Evidence

After the submission of quotations, shortlisted candidates will be contacted via telephone.

Sealed quotations addressed to the Administration Section and marked "**Enquiry Number: 2017-18 / 095 Distribution of the Gazette**" must be placed in the quotation box located in the Reception Area, 7th Floor, Rennie's House, 41 Margaret Mncadi Avenue (Victoria Embankment) Durban (not any other Municipal Building) by no later than **16h00 on Monday, 18 June 2018**

Enquiries:

Mandla Nsele: (Tel: 031-311 4801) (Fax: 031-332 8051)

Email: Mandla.Nsele@durban.gov.za

Gugu Sisilana: (Tel: 031-311 4855) (Fax: 031-332 8051)

Email: Gugu.Sisilana@durban.gov.za

Collin Pillay: (Tel: 031-311 4824) (Fax: 031-332 8051)

Email: Collin.Pillay2@durban.gov.za

The following SECTIONS are required to be completed as part of this procurement document

<u>Section</u>	<u>Description</u>	<u>Required?</u>
A	General Enterprise Information	Yes
B	MBD2 : Tax Clearance Certificate Requirements	Yes
C	MBD4 : Declaration of Interest	Yes
D	MBD5 : Declaration For Procurement Above R10 Million	No
E	MBD6.1 : Preference Points Claim Form ITO the Preferential Regulations	Yes
F	MBD6.2 : Declaration Certificate for Local Production and Content for Designated Sectors	No
G	MBD8 : Declaration of Bidder's Past SCM Practices	Yes
H	MBD9 : Certificate of Independent Bid Determination	Yes
I	Confirmations, Authorities, Certifications, Acknowledgements and Signatures	Yes

NOTES

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 enterprise;
 - (c) an official of any municipality or municipal enterprise;
 - (d) an employee of any national or provincial department, national or provincial public enterprise or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
 - (e) a member of the accounting authority of any national or provincial public enterprise; 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. Includes price quotations, advertised competitive bids, limited bids and proposals.

4. 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.

SECTION A : GENERAL ENTERPRISE INFORMATION

1.0	Full Name of bidder or his or her representative	
1.1	ID Number of bidder or his or her representative	

1.2 Position occupied in the enterprise

2.0 Name of enterprise:

2.1 Tax Reference number, if any:

2.2 VAT registration number, if any:

2.3 CIDB registration number, if any:

2.4 Company registration number, if applicable:

2.5 Close corporation number, if applicable:

2.6 Supplier reference number (PR), if any:

3.0 The names of all directors / trustees / shareholders / members / sole proprietors / partners in partnerships, their individual identity numbers and state employee numbers must be indicated below. In the case of a joint venture, information in respect of each partnering enterprise must be completed and submitted

Full Name	Identity No.	State Employee No.	Personal income tax No. *

Use additional pages if necessary

Ref	Description	Complete or Circle Applicable

<u>Ref</u>	<u>Description</u>	Complete or Circle Applicable
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SECTION B : MBD 2 : TAX CLEARANCE CERTIFICATE REQUIREMENTS

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.

- 1.0 In order to meet this requirement bidders are required to complete the TCC 001 : "Application for a Tax Clearance Certificate" form and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2.0 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 3.0 The original Tax Clearance Certificate must be submitted together with the bid (attached to the inside back cover of this procurement document). Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4.0 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 5.0 Copies of the TCC 001 : "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za .
- 6.0 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za .

Attach a Tax Clearance Certificate to the inside back cover of this procurement document

<u>Ref</u>	<u>Description</u>	Complete or Circle Applicable
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SECTION C : MBD 4 : DECLARATION OF INTEREST

No bid will be accepted from persons “in the service of the state¹”. 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. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

1.0 Are you presently in the service of the state?

If yes, furnish particulars :
.....

YES	NO
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2.0 Have you been in the service of the state for the past twelve months?

If yes, furnish particulars :
.....

YES	NO
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3.0 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 yes, furnish particulars :

YES	NO
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4.0 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?

If yes, furnish particulars :

YES	NO
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<u>Ref</u>	<u>Description</u>	Complete or Circle Applicable	
5.0	Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? If yes, furnish particulars :	YES	NO
6.0	Are any spouse, child or parent of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? If yes, furnish particulars :	YES	NO
7.0	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 ? If yes, furnish particulars :	YES	NO
8.0	The names of all directors / trustees / shareholders / members / sole proprietors / partners in partnerships, their individual identity numbers and state employee numbers are indicated in SECTION A.		

SECTION D : MBD 5 : DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire.

1.0 Are you by law required to prepare annual financial statements for auditing?

If YES, you will be required to submit audited annual financial statements (on request during the tender evaluation period) for the past three years or since the date of establishment if established during the past three years.

YES	NO
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<u>Ref</u>	<u>Description</u>	Complete or Circle Applicable	
2.0	<p>Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?</p> <p>If NO, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.</p> <p>If YES, provide particulars on a letterhead. (Attach this letter to the back inside cover of this procurement document).</p>	YES	NO
3.0	<p>Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?</p> <p>If YES, provide particulars on a letterhead. (Attach this letter to the back inside cover of this procurement document).</p>	YES	NO
4.0	<p>Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?</p> <p>If YES, provide particulars on a letterhead. (Attach this letter to the back inside cover of this procurement document).</p>	YES	NO

<u>Ref</u>	<u>Description</u>	Complete or Circle Applicable
<u>SECTION E : MBD 6.1 : PREFERENCE POINTS CLAIM ITO THE PREFERENTIAL REGULATIONS</u>		
<p>Preference points for this tender shall be awarded as per the Tender Data and the Preferential Procurement Regulations (2011).</p> <p>Failure on the part of a tenderer to submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.</p> <p>The Employer reserves the right to require of a tenderer, 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 Employer.</p>		

1.0 B-BBEE Status Level of Contribution claimed:

YES	NO

Will any portion of the contract be sub-contracted?

If YES, indicate:

(i) what percentage of the contract will be subcontracted?

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(ii) the name of the sub-contractor?

Name :
.....

(iii) the B-BBEE status level of the sub-contractor?

YES	NO

2.0 (iv) whether the sub-contractor is an EME?

The undersigned, certify that the B-BBEE status level of contribution indicated in paragraph 1.0 above qualifies the company / firm for preference points and acknowledges that the remedies as per Clause 13 of the Preferential Procurement Regulations (2011) shall apply.

Attach a B-BBEE Verification Certificate to the inside back cover of this procurement document

<u>Ref</u>	<u>Description</u>	Complete or Circle Applicable
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SECTION F:MBD 6.2 : DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

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

1.0 General Conditions

- 1.1 Preferential Procurement Regulations, 2011 (Regulation 9) makes provision for the promotion of local production and content.
- 1.2 Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3 Where necessary, for bids referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4 A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.

<u>Ref</u>	<u>Description</u>	Complete or Circle Applicable
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1.5 The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

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

Where :x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT).

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

The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

1.6 A bid may be disqualified if –

- (a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
- (b) the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.

2.0 Definitions

2.1 “bid” includes written price quotations, advertised competitive bids or proposals;

2.2 “bid price” price offered by the bidder, excluding value added tax (VAT);

2.3 “contract” means the agreement that results from the acceptance of a bid by an organ of state;

2.4 “designated sector” means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;

2.5 “duly sign” means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).

<u>Ref</u>	<u>Description</u>	Complete or Circle Applicable
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- 2.6 “imported content” means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour and intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7 “local content” means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
- 2.8 “stipulated minimum threshold” means that portion of local production and content as determined by the Department of Trade and Industry; and
- 2.9 “sub-contract” means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.
- 3.0 The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
..... %
..... %
..... %

4.0 Does any portion of the services, works or goods offered have any imported content?

YES	NO
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<u>Ref</u>	<u>Description</u>	Complete or Circle Applicable
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4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by the SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on www.reservebank.co.za.

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

US Dollar :	<input style="width: 100%;" type="text"/>	Pound Sterling :	<input style="width: 100%;" type="text"/>	Euro :	<input style="width: 100%;" type="text"/>	Yen :	<input style="width: 100%;" type="text"/>	Other :	<input style="width: 100%;" type="text"/>
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NB: Bidders must submit proof of the SARB rate (s) of exchange used.

5.0 Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct?

YES	NO
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5.1 If yes, provide the following particulars:

(a) Full name of
auditor:

(b) Practice number: (c) Telephone number:

Cell number:
.....

(d) Email address:
.....

(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)

6.0 Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the Accounting Officer / Accounting Authority provide directives in this regard.

LOCAL CONTENT DECLARATION

(REFER TO ANNEX B OF SATS 1286:2011)

LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (Close Corporation, Partnership or Individual)

<u>Ref</u>	<u>Description</u>	Complete or Circle Applicable
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.....

IN RESPECT OF BID No:

ISSUED BY: (Procurement Authority / Name of Municipality /
Municipal Entity)

NB 1 - The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

NB 2 - Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on <http://www.thedti.gov.za/industrialdevelopment/ip.jsp>. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below. Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned in Section H of these Consolidated MBD returnable questionnaires (comprising 8 pages), do hereby declare the following:

- (a) The facts contained herein fall within my own personal knowledge.
- (b) I have satisfied myself that:
 - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
 - (ii) the declaration templates have been audited and certified to be correct.
- (c) The local content percentages (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C;

•	B	R	
id price, excluding VAT (y)			
•	I	R	
mported content (x), as calculated in terms of SATS 1286:2011			
•	S		%
tipulated minimum threshold for local content (paragraph 3 above).....			

<u>Ref</u>	<u>Description</u>	Complete or Circle Applicable
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<ul style="list-style-type: none"> L Local content %, as calculated in terms of SATS 1286:2011 	%
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If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above. The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

- (d) I accept that the Procurement Authority / Municipality /Municipal Entity has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SECTION G : MBD8 : DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

This Municipal Bidding Document must form part of all bids invited. It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.

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

- a) abused the 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 Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).

In order to give effect to the above, the following questions must be answered.

<u>Ref</u>	<u>Description</u>	Complete or Circle Applicable	
1.0	<p>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?</p> <p>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.</p> <p>If yes, furnish particulars :</p>	YES	NO
2.0	<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>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.</p> <p>If yes, furnish particulars :</p>	YES	NO
3.0	<p>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?</p> <p>If yes, furnish particulars :</p>	YES	NO
4.0	<p>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?</p> <p>If yes, furnish particulars :</p>	YES	NO

<u>Ref</u>	<u>Description</u>	Complete or Circle Applicable	
5.0	<p>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?</p> <p>If yes, furnish particulars :</p>	YES	NO

SECTION H : MBD9 : CERTIFICATE OF INDEPENDENT BID DETERMINATION

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.

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.

The following 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.

In order to give effect to the above, the following Certificate of Bid Determination must be completed and submitted with the bid. The undersigned, in submitting the accompanying bid, in response to the invitation for the bid do hereby make the following statements that I certify to be true and complete in every respect:

- 1.0 I have read and I understand the contents of this Certificate;
- 2.0 I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
- 3.0 I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;

<u>Ref</u>	<u>Description</u>	Complete or Circle Applicable
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- 4.0 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;
- 5.0 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.
- 6.0 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 consortium³ will not be construed as collusive bidding. (Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.
- 7.0 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;
 - f) bidding with the intention not to win the bid.
- 8.0 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.
- 9.0 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.

<u>Ref</u>	<u>Description</u>	Complete or Circle Applicable
SECTION I : CONFIRMATIONS, AUTHORITIES, CERTIFICATIONS, ACKNOWLEDGEMENTS and SIGNATURES		

The undersigned, who warrants that he/she is duly authorised to do so on behalf of the enterprise:

- 1.0 Confirms that the contents of these Consolidated MBD returnable questionnaires (comprising 6 pages) are within my personal knowledge and are to the best of my belief both true and correct;
- 2.0 Confirms that neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercise, 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;
- 3.0 Confirms that no partner, member, director or other person, who wholly or partly exercise control over the enterprise, has within the last five years been convicted of fraud or corruption;
- 4.0 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 bidders or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest;
- 5.0 Certify that the B-BBEE status level of contribution indicated in Section E : Item 1.0 qualifies the enterprise for preference points and acknowledges that the remedies as per Clause 13 of the Preferential Procurement Regulations (2011) shall apply. In the event of a contract being awarded as a result of points claimed, the enterprise may be required to furnish documentary proof to the satisfaction of the employer that the claims are correct;
- 6.0 Accept that, in addition to cancellation of a contract, action may be taken against me should these declarations prove to be false.

Signed Date

Name Position

b) DECLARATION OF MUNICIPAL FEES

I, the undersigned, do hereby declare that the Municipal fees of

.....

(full name of Company / Close Corporation / partnership / sole proprietary/Joint Venture)

(hereinafter referred to as the TENDERER) are, as at the date hereunder, fully paid or an Acknowledgement of Debt has been concluded with the Municipality to pay the said charges in instalments.

The following account details relate to property of the said TENDERER:

Account

Account Number: to be completed by tenderer.

Consolidated Account No.

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Electricity

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Water

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Rates

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Other

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Other

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Other

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I acknowledge that should the aforesaid Municipal charges fall into arrears, the Municipality may take such remedial action as is required, including termination of any contract, and any payments due to the Contractor by the Municipality shall be first set off against such arrears. **ATTACHED, to the back inside cover of this document, please find copies of the above account's and or agreements signed with the Municipality.**

- Where the TENDERER'S place of business or business interests are outside the jurisdiction of eThekweni Municipality, a copy of the accounts/agreements from the relevant municipality must be attached (to the back inside cover of this document).
- Where the tenderer's Municipal Accounts are part of their lease agreement, then a copy of the agreement, or official letter to that effect is to be attached (to the back inside cover of this document).

NAME : (Block Capitals)

SIGNATURE : DATE:

(of person authorised to sign on behalf of the Tenderer)

c) AUTHORITY OF SIGNATORY

Reference is made to the Conditions of Tender : [Clause 4\(9\)\(c\)](#).

Indicate the status of the tenderer by ticking the appropriate box hereunder.

COMPANY		CLOSE CORPORATIO N		PARTNERSHI P		JOINT VENTURE		SOLE PROPRIETO R	
Refer to Notes at the bottom of the page									

I / We, the undersigned, being the Chairperson (Company), Member(s) (Close Corporation), Partners (Partnership), Sole Owner (Sole Proprietor), Lead Partner (JV), in the company / business trading as:

.....

hereby authorise Mr/Mrs/Ms

acting in the capacity of

to sign all documents in connection with the tender for Contract No. 2017-18/095 Distribution of the Gazette and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE
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Notes

The following documents must be attached to the back inside cover to this procurement document:

If a Company : a “Resolution of the Board” in this regard.

If a Joint Venture : a “Power of Attorney” signed by the legally authorised signatories of all the partners to the Joint venture.