

## REQUEST FOR QUOTATION (RFQ) RFQ NO. 1831

## **BID DESCRIPTION**

## SUPPLY AND DELIVERY OF PIPES AND FITTINGS TO LAING DAM PROGRAMMES OFFICE

## **CLOSING DATE**

# TUESDAY, 21st SEPTEMBER 2021 AT 11H00

## **NO EMAILED SUBMISSIONS WILL BE ACCEPTED**

### **BIDDER TO COMPLETE**

| COMPANY NAME                            |  |
|---|--|
| TRADING AS<br>(if different from above) |  |
| CSD NUMBER                              |  |

ISSUED AND PREPARED BY: AMATOLA WATER PRIVATE BAG X3 VINCENT 5217 Tel: +27 43 707 3700 Fax: +27 43 707 3770

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# **SECTION A TENDERING INVITATION, CONDITIONS OF TENDER AND SPECIFICATION**

| BID<br>NUMBER: <b>RF</b>                                | Q: 1831 | CLOSING<br>DATE:         | 21 SE     | EPTEMBEI         | <b>R 202</b> 1 | CLOSIN<br>TIME: | G 11:     | :00  |
|---|---------|--------------------------|-----------|------------------|----------------|-----------------|-----------|------|
| THE SUCCESSFUL<br>FORM (SBD7).                          |         |                          |           |                  |                |                 |           | TRAC |
| BID RESPONSE DO   |         |                          | POSITED   | IN THE B         | ID BO          | X LISTED E      | BELOW     |      |
| Reception area of <i>I</i><br>6 Lancaster Road          | Amatola | House                    |           |                  |                |                 |           |      |
| Vincent   |         |                          |           |                  |                |                 |           |      |
| East London   |         |                          |           |                  |                |                 |           |      |
| THE RFQ BOX IS A  | VAILABI | E FOR BIDS TO            | ) BE DEPO | <b>OSITED BI</b> | ETWE           | EN 08:00A       | M – 16:00 | PM   |
| ROM MONDAY TO   | -       | 1.                       |           |                  |                |                 |           |      |
| SUPPLIER INFORM   | ATION   |                          |           |                  |                |                 |           |      |
| NAME OF BIDDER  |         |                          |           |                  |                |                 |           |      |
| POSTAL ADDRESS  | 6       |                          |           |                  |                |                 |           |      |
| STREET ADDRESS  | 6       |                          |           |                  | _              |                 | _         |      |
| TELEPHONE   |         |                          |           |                  |                |                 |           |      |
|   |         | DE                       |           |                  |                | NUMBER          |           |      |
| CELLPHONE<br>NUMBER                                     |         |                          |           |                  |                |                 |           |      |
| FACSIMILE NUMBE   |         | DE                       |           |                  |                | NUMBER          |           |      |
| E-MAIL ADDRESS  |         |                          |           |                  |                |                 | •         |      |
| VAT REGISTRATIO   | N       |                          |           |                  |                |                 |           |      |
| NUMBER  |         |                          |           |                  |                |                 |           |      |
|   | TCS     | PIN:                     |           |                  | OR             | CSD No:         |           |      |
| B-BBEE STATUS   |         |                          |           |                  |                |                 |           |      |
| LEVEL<br>VERIFICATION                                   |         |                          |           |                  | B-BBE          | F               |           |      |
| CERTIFICATE   | 🗌 Y     | es                       |           |                  |                |                 | ☐ Yes     |      |
| TICK APPLICABLE   |         |                          |           |                  | SWOF           | RN              |           |      |
| 30X]  |         | lo                       |           |                  | AFFID          | AVIT            | 🗌 No      |      |
| IF YES, WHO WAS<br>THE CERTIFICATE                      |         |                          |           |                  |                |                 |           |      |
| SSUED BY?   |         |                          |           |                  |                |                 |           |      |
| AN ACCOUNTING   |         |                          |           |                  | -              | G OFFICEF       | -         |      |
| OFFICER AS  |         |                          |           |                  |                | D IN THE C      |           |      |
| CONTEMPLATED I  |         |                          |           |                  |                | ACT (CCA)       |           |      |
|   |         | A VERIFICATION AGENCY AC |           |                  |                |                 |           |      |
| ACT (CCA) AND NAME<br>THE APPLICABLE IN THE<br>TICK BOX |         |                          |           |                  | SYSTEM (SANAS) |                 |           |      |
|   |         |                          |           | ERED             | ERED ÁUDITOR   |                 |           |      |
|   |         |                          |           | NAME:            |                |                 |           | 6.9  |
| [A B-BBEE STATU<br>QSEs) MUST BE S                      |         |                          |           |                  |                |                 |           |      |
| BBEE]   |         |                          |           |                  |                |                 |           |      |

| ARE YOU THE                       |                            | ARE YOU A<br>FOREIGN    | □Yes       |             |
|-----------------------------------|----------------------------|-------------------------|------------|-------------|
| ACCREDITED                        | □Yes                       | BASED                   |            |             |
| REPRESENTATIVE                    |                            | SUPPLIER FOR            |            |             |
| IN SOUTH AFRICA                   | No                         | THE GOODS               | □No        |             |
| FOR THE GOODS                     |                            | /SERVICES               |            |             |
| /SERVICES /WORKS                  |                            | /WORKS                  |            | ANSWER PART |
| OFFERED?                          | [IF YES ENCLOSE PROOF]     | OFFERED?                | B:3 BELO   | Jvv]        |
|                                   |                            |                         |            |             |
| SIGNATURE OF<br>BIDDER            |                            | DATE                    |            |             |
|                                   |                            | DATE                    |            |             |
| WHICH THIS BID IS                 |                            |                         |            |             |
| SIGNED (Attach                    |                            |                         |            |             |
| proof of authority to             |                            |                         |            |             |
| sign this bid; e.g.               |                            |                         |            |             |
| resolution of<br>directors, etc.) |                            |                         |            |             |
| TOTAL NUMBER OF                   |                            |                         |            |             |
| ITEMS OFFERED                     |                            |                         |            |             |
| TOTAL BID PRICE                   |                            |                         |            |             |
| (ALL INCLUSIVE)                   |                            |                         |            |             |
| MAY BE DIRECTED TO                |                            | TECHNICAL INFO          | -          |             |
| ONLY WRITTEN QUEF                 | RIES VIA EMAIL WILL BE ATT | ENDED TO                |            |             |
| PUBLIC ENTITY                     | AMATOLA WATER              |                         |            |             |
|                                   |                            |                         |            |             |
| CONTACT PERSON                    | M. Jayiya – Senior Buyer   | CONTACT PERSO           |            | S Majola    |
| E-MAIL ADDRESS                    |                            | E-MAIL ADDRESS          |            | <u> </u>    |
| mjayiya@amatolawater              | <u>.co.za</u>              | smajola <u>@amatola</u> | water.co.z | <u>a</u>    |
|                                   |                            |                         |            |             |

| PART B   |
|--|
| TERMS AND CONDITIONS FOR BIDDING   |
| 1. BID SUBMISSION:   |
| 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE<br>BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.  |
| 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED – (NOT TO BE RE-<br>TYPED) OR ONLINE  |
| 1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD<br>MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/<br>MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING<br>INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN<br>AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. |
| 1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION<br>NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY<br>NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID<br>DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE<br>SUBMITTED TO BIDDING INSTITUTION.                               |
| 1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT<br>2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL<br>CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR<br>SPECIAL CONDITIONS OF CONTRACT.  |
| 2. TAX COMPLIANCE REQUIREMENTS   |
| 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.   |
| 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER<br>(PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S<br>PROFILE AND TAX STATUS.  |
| 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-<br>FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH<br>SARS AS E-FILERS THROUGH THE WEBSITE <u>WWW.SARS.GOV.ZA</u> .  |
| 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.   |
| 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH<br>PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.   |
| 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.  |
|  |
|  |
|  |
| 6  |

| 3. QL            | JESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS (WHERE APPLICABLE)   |
|------------------|--|
| 3.1. IS THE BIDD | DER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?<br>NO  |
| 3.2. DOES THE E  | BIDDER HAVE A BRANCH IN THE RSA?<br>] NO   |
| 3.3. DOES THE E  | BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  |
| 3.4. DOES THE E  | BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?<br>NO   |
| A TAX COMPLIANC  | 6 "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN<br>CE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH<br>E SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE. |
| NB: FAILURE TO P | ROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.  |
|                  |  |
|                  |  |
|                  |  |
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|                  |  |
|                  |  |
|                  |  |
|                  |  |
|                  |  |
|                  |  |

#### TENDER CONDITIONS

#### 1. **DEFINITIONS**

The word "Bidder/Tenderer" in these conditions shall mean and include any firm of Contractors, Suppliers, Service Providers or any company or body incorporated or unincorporated.

#### 2. BID PUBLICATION

RFQ document will be available from **Wednesday**, **15 September 2021** at Amatola Water website at www.amatolawater.co.za.

#### 3. BID SUBMISSION

The original completed bid documents must be submitted in a sealed envelope endorsed with the Bid Number and Bid Description as detailed in the Tender Data. The sealed envelope must be deposited in the Bid/Tender Box located in the reception area of Amatola House, No.6 Lancaster Road, Vincent, East London, not later than the time and date specified on the cover page and SBD 1 of this bid.

#### 4. DISQUALIFYING FACTORS

- (a) The following forms must be completed in full as per the requirement of the bid.
- FORM A: AUTHORITY TO SIGN
- (b) The following declaration forms must be completed in full:
  - SBD 1: Invitation to Bid
  - SBD 4: Declaration of Interest
  - SBD 6.2 Declaration Certificate for Local Production and
    - Content for Designated Sectors
  - SBD 8: Declaration of Bidder's Past SCM Practices
  - SBD 9: Certificate of Independent Bid Determination
- (c) The Bidders are encouraged to submit the following documents:
  - 1. B-BBEE VERIFICATION CERTIFICATE
  - 2. JOINT VENTURE AGREEMENT (IF APPLICABLE)

All forms and declarations must be signed and completed and returned with the Bid Document as a whole.

Failure to sign and / or complete the forms and declarations will result in the bid being disqualified.

# The lowest or any bid will not necessarily be accepted, and your bid may be accepted in part or as a whole.

- The bid document must be completed in all respects in non-erasable ink.
- Bids must be submitted on original bid documents.
- Bid documents must remain intact and no portion may be detached.

#### 5. PERIOD OF VALIDITY FOR BIDS AND WITHDRAWAL OF BID AFTER CLOSING DATE

All Bids must remain valid for a period of 90 (ninety) days from the closing date as stipulated in the Bid document.

#### 6. AUTHORITY TO SIGN BID DOCUMENTS

In the case of a Bid being submitted on behalf of a company, close corporation or partnership, evidence must be submitted to the Amatola Water at the time of submission of the Bid that the Bid has been signed by persons properly authorised thereto by resolution of the directors or under the articles of the entity.

#### Form A must be completed. Failure to complete Form A will invalidate your bid.

#### 7. JOINT VENTURE REQUIREMENTS

**DEFINITION:** - "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.

Should a group of companies/firms and/or interested parties wish to enter into a joint venture / consortium agreement the following minimum requirements must be met: -

- a. A properly signed copy of the joint venture/consortium agreement must be attached.
- b. Each member of the joint venture/consortium's taxes must be in order.
- c. After the award of a contract to a joint venture/consortium, the successful joint venture group or consortium must provide a combined joint venture/consortium Tax Clearance Certificate.
- d. After the award of a contract to a joint venture/consortium, the successful joint venture group or consortium must provide the details of the joint venture / consortium banking details.
- e. A trust, consortium or joint venture will qualify for points of their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- f. A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate tender.

#### THE JOINT VENTURE/CONSORTIUM AGREEMENT MUST CONTAIN THE FOLLOWING: -

- a. Who the managing member will be.
- b. Who the signatory of authority will be.
- c. How the joint venture/consortium share of profit will be split.
- d. The bank account details where payments will be deposited into.
- e. The agreement must be signed by all parties.
- f. The agreement must be certified by a Commissioner of Oaths.
- g. The postal and physical address where all correspondence will be sent to

#### 8. CONDITIONS OF TENDER

- I. Submission of this proposal signifies the applicant's acceptance of the conditions as laid down in this document, unless clearly stated otherwise.
- II. Any expense incurred by the applicant in preparing and submitting this proposal will be for the applicant's account.
- III. Amatola Water reserves the right not to accept any proposal and cancel the bid as and when the need arises.
- IV. The contractor must provide references on Form B that the company has undertaken at least 3 projects of a similar nature. Failure to provide proof will invalidate your bid.

- V. In a case of any additional information in a form of Addenda / Erratum, bidders must comply to the content of such changes. (attach Addenda / Erratum to your document)
- VI. Failure to comply with the above requirements will result in submitted proposals being disqualified.
- VII. Bid/ RFQ documents must be submitted intact and no portion of the document may be detached, loose submissions will be rejected, and the bidder will be disqualified.

#### Additional Bid/RFQ Condition

Amatola Water invites quotations from suitably qualified and experienced service providers for the SUPPLY AND DELIVERY OF PIPES AND FITTINGS TO LAING DAM PROGRAMMES OFFICE.

#### BACKGROUND

Amatola Water is an Eastern Cape based state-owned water services utility (water board), established in 1997, in terms of the Water Services Act. Its prime function is to provide bulk water and sanitation services to water sector institutions, water service authorities and other customers as provided for in the South African water services legislation. Amatola Water's service area includes Buffalo City, the Amathole District and portions of adjoining districts in the central Eastern Cape.

|       | DESCRIPTION   | UNIT | QUANTITY |
|-------|---|------|----------|
|       |   |      |          |
| ITEM  | MEDIUM-PRESSURE PIPES                                     |      |          |
| A.1.1 | Supply medium pressure pipeline<br>a) HDPE pipes:         |      |          |
| A.1.2 | 50mm HDPE class 16 (7 rolls)                              | m    | 700      |
| ITEM  | FITTINGS  |      |          |
| B.1.1 | 50mm HDPE Elbow   | No   | 5        |
| B.1.2 | 50mm HDPE Straight Coupler                                | No   | 10       |
| B.1.2 | 110mm CI/ PVC end cap                                     | No   | 1        |
| ITEM  | AIR VALVE for 110mm pipe (2 air valves)                   |      |          |
| E.1.1 | 100mm x 80mm flanged Galv Tee. T16                        | No   | 2        |
| E.1.2 | 98mm-118mm VJ flanged adaptor                             | No   | 4        |
| E.1.3 | 100mm flange gaskets                                      | No   | 4        |
| E.1.5 | 80mm flanged gaskets                                      | No   | 4        |
| E.1.6 | M16 X 65mm (Bolts, nuts and washers)                      | No   | 48       |
| E.1.7 | 80mm x 1" X 300mm long flanged galv. Air valve riser pipe | No   | 2        |
| E.1.8 | 25mm ball valve   | No   | 2        |
| E.1.9 | 25mm Vent – O – Met air valve                             | No   | 2        |

#### **BID SPECIFICATION**

#### For more information please contact (S. MAJOLA) e-mail: <u>smajola@amatolawater.co.za</u>

# **SECTION B**

# **RETURNABLE DOCUMENTS**

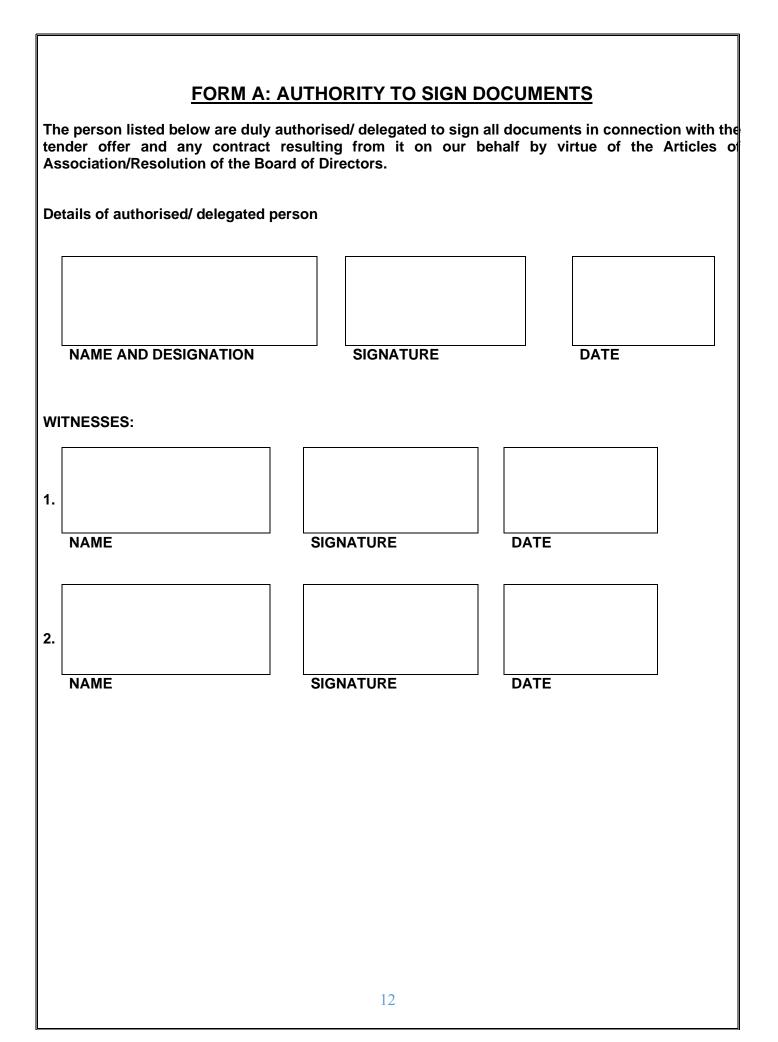
THE FOLLOWING DOCUMENTS MUST BE COMPLETED IN FULL AND SUBMITTED WITH THIS BID:

- SBD 4: DECLARATION OF INTEREST
- SBD 6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017
- SBD 6.2 DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS
- SBD 8: DECLARATION OF BIDDER'S PAST SCM PRACTICES
- SBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

THE FOLLOWING DOCUMENTS MUST BE SUBMITTED WITH THIS BID:

FORM A: AUTHORITY TO SIGN

B-BBEE VERIFICATION CERTIFICATE JOINT VENTURE AGREEMENT (IF APPLICABLE)



#### FORM B: SCHEDULE OF PREVIOUS RELATED CONTRACTS SATISFACTORILY CARRIED OUT BY THE TENDERER

Suppliers should very briefly describe their experience in this regard by completing the schedule below by providing details of at **least three comparable contracts** within the last 5 years relating to the **SUPPLY AND DELIVERY OF PIPES AND FITTINGS TO LAING DAM PROGRAMMES OFFICE**. Please attach proof of reference letters to substantiate the list of references provided below, failure to do so will lead to disqualification. Please note that reference letters may be verified.

| Comparable supply contracts<br>of the entity within the last<br>5 years | Short Description | Contract Value (incl.<br>VAT) | Dates (Commencement;<br>Completion) | Client and contactable reference<br>(include phone no.& email addresses) |
|---|-------------------|-------------------------------|-------------------------------------|--|
|   |                   |                               |                                     | -  |
|   |                   |                               |                                     |  |
|   |                   |                               |                                     | -  |
|   |                   |                               |                                     | -  |
|   |                   |                               |                                     |  |

#### SIGNED ON BEHALF OF TENDERER:

(SBD4)

#### **DECLARATION OF INTEREST**

- Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, 1. including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where
  - the bidder is employed by the state; and/or
  - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

- 2.1 Full Name of bidder or his or her representative:
- 2.2 Identity Number: ..... 2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....
- 2.4 Company Registration Number:
- 2.5 Tax Reference Number: .....
- 2.6 VAT Registration Number: .....
- The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if 2.6.1 applicable, employee / persal numbers must be indicated in paragraph 3 below.
- 1" State" means -

(a) 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);

- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

<sup>2</sup>'Shareholder' means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

| 2.7   | Are you or any person connected with the bidder presently employed by the state?                                   | YES / NO |
|-------|--|----------|
| 2.7.1 | If so, furnish the following particulars:  |          |
|       | Name of person / director / trustee / shareholder/ member:<br>Name of state institution at which you or the person |          |
|       | connected to the bidder is employed:   |          |
|       | Position occupied in the state institution:  |          |
|       | Any other particulars:   |          |
|       |  |          |
|       |  |          |
|       |  |          |
|       |  |          |

| 2.7.2   | If you are presently employed by the state, did you obtain<br>the appropriate authority to undertake remunerative<br>work outside employment in the public sector?   | YES / NO |
|---------|--|----------|
| 2.7.2.1 | If yes, did you attached proof of such authority to the bid document?  | YES / NO |
|         | (Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.   |          |
| 2.7.2.2 | If no, furnish reasons for non-submission of such proof:   |          |
|         |  |          |
|         |  |          |
| 2.8 Dic | d you or your spouse, or any of the company's directors /<br>trustees / shareholders / members or their spouses conduct<br>business with the state in the previous twelve months?  | YES / NO |
| 2.8.1   | If so, furnish particulars:  |          |
|         |  |          |
|         |  |          |
| 2.9 Do  | you, or any person connected with the bidder, have<br>any relationship (family, friend, other) with a person<br>employed by the state and who may be involved with<br>the evaluation and or adjudication of this bid?                                  | YES / NO |
| 2.9.1   | If so, furnish particulars.  |          |
|         |  |          |
| 2.10    | Are you, or any person connected with the bidder,<br>aware of any relationship (family, friend, other) between<br>any other bidder and any person employed by the state<br>who may be involved with the evaluation and or adjudication<br>of this bid? | YES/NO   |
| 2.10.1  | If so, furnish particulars.  |          |
|         |  |          |
| 0       | Do you or any of the directors / trustees / shareholders / members<br>of the company have any interest in any other related companies<br>whether or not they are bidding for this contract?  | YES/NO   |
| 2.11.1  | f so, furnish particulars:   |          |
| •       |  |          |
|         |  |          |
|         |  |          |
|         |  |          |
|         |  |          |
|         |  |          |

| Full Name | Identity Number | Personal Tax Reference<br>Number | State Employee Number<br>Persal Number |
|-----------|-----------------|----------------------------------|--|
|           |                 |                                  |  |
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|           |                 |                                  |  |
|           |                 |                                  |  |
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|           |                 |                                  |  |
|           |                 |                                  |  |
|           |                 |                                  |  |

#### 4 DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. 1.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE 2. GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

..... Signature

..... Date

Position

..... Name of bidder

#### SBD 6.1

#### PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

#### NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

#### 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** a) The value of this bid is estimated to below R50 000 000 (all applicable taxes included) and therefore the ......**80/20**..... preference point system shall be applicable; or

b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

- **1.3** Points for this bid shall be awarded for:
  - (a) Price; and
  - (b) B-BBEE Status Level of Contributor.
- **1.4** The maximum points for this bid are allocated as follows:

|   | POINTS |
|---|--------|
| PRICE   | 80     |
| B-BBEE STATUS LEVEL OF CONTRIBUTOR                | 20     |
| Total points for Price and B-BBEE must not exceed | 100    |

- **1.5** Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level 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.

#### 2. DEFINITIONS

- (a) **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) "B-BBEE status level of contributor" means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) "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;

- (d) **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) "EME" means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **"functionality"** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) "prices" includes all applicable taxes less all unconditional discounts;
- (h) "proof of B-BBEE status level of contributor" means:
- 1) B-BBEE Status level certificate issued by an authorized body or person;
- 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
- 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) "QSE" means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (*j*) **"rand value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

#### 3. POINTS AWARDED FOR PRICE

#### 3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis: 80/20 or 90/10

$$Ps = 80\left(1 - \frac{Pt - P\min}{P\min}\right)$$
 or  $Ps = 90\left(1 - \frac{Pt - P\min}{P\min}\right)$ 

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

#### 4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

**4.1** In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

| B-BBEE Status Level of<br>Contributor | Number of points<br>(90/10 system) | Number of points<br>(80/20 system) |
|---------------------------------------|------------------------------------|------------------------------------|
| 1                                     | 10                                 | 20                                 |
| 2                                     | 9                                  | 18                                 |
| 3                                     | 6                                  | 14                                 |
| 4                                     | 5                                  | 12                                 |

| 5                            | 4 | 8 |
|------------------------------|---|---|
| 6                            | 3 | 6 |
| 7                            | 2 | 4 |
| 8                            | 1 | 2 |
| Non-compliant<br>contributor | 0 | 0 |

#### 5. BID DECLARATION

**5.1** Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

#### 6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: = ...... (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

#### 7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)



#### 7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE
  - (Tick applicable box)

YES NO

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

| Designated Group: An EME or QSE which is at last 51% owned        | EME | QSE |
|---|-----|-----|
| by:   |     |     |
| Black people  |     |     |
| Black people who are youth  |     |     |
| Black people who are women  |     |     |
| Black people with disabilities                                    |     |     |
| Black people living in rural or underdeveloped areas or townships |     |     |
| Cooperative owned by black people                                 |     |     |
| Black people who are military veterans                            |     |     |
| OR  |     |     |
| Any EME   |     |     |
| Any QSE   |     |     |

| 8.  | DECLARATION WITH REGARD TO COMPANY/FIRM   |
|-----|---|
| 8.1 | Name of company/firm:   |
| 8.2 | VAT registration number:  |
| 8.3 | Company registration number:  |
| 8.4 | TYPE OF COMPANY/ FIRM   |
|     | <ul> <li>Partnership/Joint Venture / Consortium</li> <li>One person business/sole propriety</li> <li>Close corporation</li> <li>Company</li> <li>(Pty) Limited</li> <li>[TICK APPLICABLE BOX]</li> </ul>                                      |
| 8.5 | DESCRIBE PRINCIPAL BUSINESS ACTIVITIES  |
|     |   |
|     |   |
|     |   |
| 8.6 | COMPANY CLASSIFICATION  |
|     | □ Manufacturer  |
|     |   |
|     | Professional service provider   |
|     | <ul> <li>Other service providers, e.g. transporter, etc.</li> <li>[TICK APPLICABLE BOX]</li> </ul>  |
| 8.7 | Total number of years the company/firm has been in business:  |
| 8.8 | I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify   |
|     | that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs   |
|     | 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown   |
|     | and I / we 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 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct; |
|     | iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis<br>or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to<br>any other remedy it may have –         |
|     | (a) disqualify the person from the bidding process;   |
|     | (b) recover costs, losses or damages it has incurred or suffered as a result of that  |
|     |   |
| 1   | 20  |

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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

| WITNESSES |  |
|-----------|--|
| 1         |  |
| 2         |  |
|           |  |

| SIGNATUR | E(S) OF BIDDERS(S) |
|----------|--------------------|
| DATE:    |                    |
|          |                    |
| ADDRESS  |                    |
|          |                    |

#### SBD 6.2

#### DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Standard Bidding Document (SBD) 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, 2017, 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. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders 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.
- 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 South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated 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 at no cost.

1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

# 2. 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:

| Item no | Description | Quantity | Stipulated<br>minimum<br>threshold % |
|---------|-------------|----------|--------------------------------------|
| 1       |             |          |                                      |
| 2       |             |          |                                      |
| 3       |             |          |                                      |

**3**. Does any portion of the goods or services offered have any imported content?

(Tick applicable box)

| YES | NO |  |
|-----|----|--|
|     |    |  |

3..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 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):

| Currency       | Rates of exchange |
|----------------|-------------------|
| US Dollar      |                   |
| Pound Sterling |                   |
| Euro           |                   |
| Yen            |                   |
| Other          |                   |

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

**4.** 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 AO/AA 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)

IN RESPECT OF BID NO.

**ISSUED BY:** (Procurement Authority / Name of Institution):

.....

- 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.
- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex С, and E) accessible D is on http://www.thdti.gov.za/industrial development/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,                  | (ful | ll na | ames). |
|--------------------------------------|------|-------|--------|
| do hereby declare, in my capacity as |      |       | ,,     |
| of                                   |      |       | bidder |
| entity), the following:              | ,    |       |        |

- (a) The facts contained herein are 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
- (c) The local content percentage (%) 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:

| Bid price, excluding VAT (y)                                   | R |
|--|---|
| Imported content (x), as calculated in terms of SATS 1286:2011 | R |
| Stipulated minimum threshold for local content, Item           |   |
| Local content %, of Bidder for                                 |   |

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.<br>The local content percentages for each product has been calculated using the<br>formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in<br>paragraph 4.1 above and the information contained in Declaration D and E.  |            |  |
|---|------------|--|
| (d) I accept that the Procurement Authority / Ir local content be verified in terms of the requ   | <b>o</b> 1 |  |
| (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 / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000). |            |  |
| SIGNATURE:  | DATE:      |  |
| WITNESS No. 1         DATE:   |            |  |
| WITNESS No. 2         DATE:   |            |  |

|      |                 |                 |      |              |          |                 |             |                |                |             |                     |                           | SATS 1286.201   |
|------|-----------------|-----------------|------|--------------|----------|-----------------|-------------|----------------|----------------|-------------|---------------------|---------------------------|-----------------|
|      |                 |                 |      |              |          |                 | Annex       | кC             |                |             |                     |                           |                 |
|      |                 |                 |      |              |          |                 |             |                |                |             |                     |                           |                 |
|      |                 |                 | i    |              | Local    | Content De      | eclaration  | - Summai       | ry Schedul     | е           |                     |                           |                 |
| (C1) | Tender No.      |                 |      |              |          |                 |             |                |                |             |                     | <u>Note:</u> VAT to be ex | cluded from all |
| (C2) | Tender descrip  | tion            |      |              |          |                 |             |                |                |             |                     | calculations              |                 |
| (C3) | Designated pro  |                 |      |              |          |                 |             |                |                |             |                     | calculations              |                 |
| (C4) | Tender Authori  |                 |      |              |          |                 |             |                |                |             |                     |                           |                 |
| (C5) | Tendering Entit |                 |      |              |          |                 |             |                |                |             |                     |                           |                 |
| (C6) | Tender Exchang  |                 | Pula |              | EU       |                 | GBP         |                |                |             |                     |                           |                 |
| (C7) | Specified local |                 |      |              |          |                 |             |                |                |             |                     |                           |                 |
|      | -               |                 |      |              | Ca       | alculation of I | ocal conten | t              |                |             | Tend                | er summary                |                 |
|      |                 |                 |      |              |          | Tender value    |             |                |                |             |                     |                           |                 |
|      | Tender item     |                 |      | Tender price | Exempted | net of          | Imported    |                | Local          | Tender      | Total tender        | Total exempted            | Total Imported  |
|      | no's            | List of it      | ems  | - each       | imported | exempted        | value       | Local value    | content %      | Qty         |                     | imported content          | content         |
|      | 110 3           |                 |      | (excl VAT)   | value    | imported        | value       |                | (per item)     | Qty         | value               | imported content          | content         |
|      |                 | (22)            |      |              |          | content         |             |                |                |             |                     |                           |                 |
|      | (C8)            | (C9)            |      | (C10)        | (C11)    | (C12)           | (C13)       | (C14)          | (C15)          | (C16)       | (C17)               | (C18)                     | (C19)           |
|      |                 |                 |      |              |          |                 |             |                |                |             |                     |                           |                 |
|      |                 |                 |      |              |          |                 |             |                |                |             |                     |                           |                 |
|      |                 |                 |      |              |          |                 |             |                |                |             |                     |                           |                 |
|      |                 |                 |      |              |          |                 |             |                |                |             |                     |                           |                 |
|      |                 |                 |      |              |          |                 |             |                |                |             |                     |                           |                 |
|      |                 |                 |      |              |          |                 |             |                |                |             |                     |                           |                 |
|      |                 |                 |      |              |          |                 |             |                |                |             |                     |                           |                 |
|      |                 |                 |      |              |          |                 |             |                | (C20) Total te | ender value | R O                 |                           |                 |
|      | Signature of te | nderer from Ann | ex B |              |          |                 |             |                |                |             | imported content    | R 0                       |                 |
|      |                 |                 |      |              |          |                 |             | (C22) Total Te |                |             | imported content    | R 0                       |                 |
|      |                 |                 |      |              |          |                 |             |                |                |             |                     | Imported content          | R 0             |
|      |                 |                 |      |              |          |                 |             |                |                |             |                     | Total local content       | R 0             |
|      | Date:           |                 |      |              |          |                 |             |                |                | (C2         | 5) Average local co | ontent % of tender        |                 |

#### DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions 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 disregarded if that bidder, or any of its directors have
  - a. abused the institution's supply chain management system;
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. failed to perform on any previous contract.
- 4 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

| ltem  | Question  | Yes   | No |
|-------|---|-------|----|
| 4.1   | Is the bidder or any of its directors listed on the National<br>Treasury's database as companies or persons prohibited<br>from doing business with the public sector?   | Yes   |    |
|       | (Companies or persons who are listed on this database<br>were informed in writing of this restriction by the National<br>Treasury after the <i>audi alteram partem</i> rule was applied).   |       |    |
| 4.1.1 | If so, furnish particulars:   |       |    |
| 4.2   | Is the bidder or any of its directors listed on the Register<br>for Tender Defaulters in terms of section 29 of the<br>Prevention and Combating of Corrupt Activities Act (No 12<br>of 2004)?<br>To access this Register enter the National Treasury's<br>website, <u>www.treasury.gov.za</u> , click on the icon<br>"Register for Tender Defaulters" or submit your<br>written request for a hard copy of the Register to<br>facsimile number (012) 3265445. | Yes   |    |
| 4.2.1 | If so, furnish particulars:   | · · · |    |
| 4.3   | Was the bidder or any of its directors convicted by a court<br>of law (including a court outside of the Republic of South<br>Africa) for fraud or corruption during the past five years?  | Yes   | Nc |
| 4.3.1 | If so, furnish particulars:   |       |    |
|       | Was any contract between the bidder and any organ of  | Yes   | Nc |
| 4.4   | state terminated during the past five years on account of failure to perform on or comply with the contract?  |       |    |

SBD 8

SBD 8

| CER  | RTIFICATION |  |  |  |  |  |
|--|-------------|--|--|--|--|--|
| , THE UNDERSIGNED (FULL NAME)<br>CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE<br>AND CORRECT. |             |  |  |  |  |  |
| I ACCEPT THAT, IN ADDITION TO CANCELLATION<br>TAKEN AGAINST ME SHOULD THIS DECLARATIO                                    |             |  |  |  |  |  |
| Signature  | Date        |  |  |  |  |  |
|  |             |  |  |  |  |  |

I,

SBD 9

#### **CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Standard Bidding Document (SBD) 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 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD 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 (SBD 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.

SBD 9 CERTIFICATE OF INDEPENDENT BID DETERMINATION I, the undersigned, in submitting the accompanying bid: \_RFQ NO. 1831 SUPPLY AND DELIVERY OF PIPES AND FITTINGS TO LAING DAM PROGRAMMES OFFICE (Bid Number and Description) in response to the invitation for the bid made by: (Name of Institution) 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 disgualified 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: has been requested to submit a bid in response to this bid invitation; (a) (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and provides the same goods and services as the bidder and/or is in the same line of business as the bidder (c) 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) methods, factors or formulas used to calculate prices; (c) (d) the intention or decision to submit or not to submit, a bid; the submission of a bid which does not meet the specifications and conditions of the bid; or (e) (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.

<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.

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 |

# **SECTION C:**

# PRICING INSTRUCTIONS, PRICING SCHEDULE AND CONTRACT

#### PRICE INSTRUCTIONS AND ESCALATION

The following pricing schedules must be completed in full:

SBD 3.1: Pricing Schedule: Firm prices SBD 3.2: Pricing Schedule: Non- firm prices

NB: If there are any unconditional discount offers, kindly attach a schedule that will indicate where those discounts are applied from.

Failure to fully complete the pricing instructions will invalidate your bid. All line items should be completed.

No claim in respect of any price escalation will be considered by the Amatola Water unless it is specifically stated in the Pricing

Annexure that the Bid is subject to price escalation. When escalation is claimed for during the contract period, proof of such escalation must be furnished and the calculation itself must be submitted to corroborate such proof. Escalation will only be calculated on the official index figures supplied by the Department of Statistics or the Price Controller, which ever may be applicable. Al orders placed will be based on the current Bid prices. It is the responsibility of the Bidder to inform Amatola Water of any escalation prior to implementation of the escalated price. Failure to do so wil negate any such claims.

#### VALUE ADDED TAX

In calculating the cost of the supply and delivery of services and / or material, the supplier wil issue a "Tax Invoice" for all services rendered and / or materials supplied, which will reflect the exclusive cost of such services, goods or materials with the relevant Value Added Tax being addec to the total.

VAT must be included in the Bid price but must be shown separately.

Non-VAT vendors must not include VAT in the bid price.

SBD 3.1

#### PRICING SCHEDULE – FIRM PRICES (PURCHASES)

# NOTE: PRICE ADJUSTMENTS WILL BE ALLOWED AT THE PERIODS AND TIMES SPECIFIED IN THE BIDDING DOCUMENTS.

# IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

OFFER TO BE VALID FOR ... 90 ... DAYS FROM THE CLOSING DATE OF BID.

#### **Pricing Schedule**

|       | DESCRIPTION   | UNIT | QUANTITY | RATE     | AMOUNT |
|-------|---|------|----------|----------|--------|
|       |   |      |          |          |        |
| ITEM  | MEDIUM-PRESSURE PIPES                                     |      |          |          |        |
| A.1.1 | Supply medium pressure pipeline<br>a) HDPE pipes:         |      |          |          |        |
| A.1.2 | 50mm HDPE class 16 (7 rolls)                              | m    | 700      |          |        |
| ITEM  | FITTINGS  |      |          |          |        |
| B.1.1 | 50mm HDPE Elbow   | No   | 5        |          |        |
| B.1.2 | 50mm HDPE Straight Coupler                                | No   | 10       |          |        |
| B.1.2 | 110mm CI/ PVC end cap                                     | No   | 1        |          |        |
| ITEM  | AIR VALVE for 110mm pipe (2 air valves)                   |      |          |          |        |
| E.1.1 | 100mm x 80mm flanged Galv Tee. T16                        | No   | 2        |          |        |
| E.1.2 | 98mm-118mm VJ flanged adaptor                             | No   | 4        |          |        |
| E.1.3 | 100mm flange gaskets                                      | No   | 4        |          |        |
| E.1.5 | 80mm flanged gaskets                                      | No   | 4        |          |        |
| E.1.6 | M16 X 65mm (Bolts, nuts and washers)                      | No   | 48       |          |        |
| E.1.7 | 80mm x 1" X 300mm long flanged galv. Air valve riser pipe | No   | 2        |          |        |
| E.1.8 | 25mm ball valve   | No   | 2        |          |        |
| E.1.9 | 25mm Vent – O – Met air valve                             | No   | 2        |          |        |
|       |   |      | ·        | SUBTOTAL |        |
|       |   |      |          | VAT      |        |
|       |   |      |          | TOTAL    |        |

#### Total pricing must be transferred to SBD1, failure to do so will lead to disqualification

| Required by:                                       | Amatola Water          |
|--|------------------------|
| - At:  | Nahoon Dam             |
| - Brand and model                                  | N/A                    |
| - Country of origin                                | N/A                    |
| - Does the offer comply with the specification(s)? | *YES/NO                |
| - If not to specification, indicate deviation(s)   |                        |
| - Period required for delivery                     |                        |
| - Delivery:  | <u>*Firm</u> /not firm |

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**SBD 3.2** PRICE ADJUSTMENTS Α NON-FIRM PRICES SUBJECT TO ESCALATION IN CASES OF PERIOD CONTRACTS, NON-FIRM PRICES WILL BE ADJUSTED (LOADED) WITH THE 1. ASSESSED CONTRACT PRICE ADJUSTMENTS IMPLICIT IN NON-FIRM PRICES WHEN CALCULATING THE COMPARATIVE PRICES N THIS CATEGORY PRICE ESCALATIONS WILL ONLY BE CONSIDERED IN TERMS OF THE FOLLOWING FORMULA:  $Pa = (1-V)Pt \left( D1\frac{R1t}{R1o} + D2\frac{R2t}{R2o} + D3\frac{R3t}{R3o} + D4\frac{R4t}{R4o} \right) + VPt$ Where: The new escalated price to be calculated. Ра (1-V) Pt = 85% of the original bid price. Note that Pt must always be the original bid price and not an escalated price. Each factor of the bid price eg. labour, transport, clothing, footwear, etc. The total of D1, D2.. = the various factors D1, D2...etc. must add up to 100%. R1t, R2t..... Index figure obtained from new index (depends on the number of factors used). = Index figure at time of bidding. R1o, R2o = VPt 15% of the original bid price. This portion of the bid price remains firm i.e. it is not subject to any price escalations. 3. The following index/indices must be used to calculate your bid price: Index..... Dated..... Index..... Dated..... Index..... Dated..... Index..... Dated..... Index..... Dated..... Index..... Dated..... FURNISH A BREAKDOWN OF YOUR PRICE IN TERMS OF ABOVE-MENTIONED FORMULA. THE TOTAL 2. OF THE VARIOUS FACTORS MUST ADD UP TO 100%. FACTOR PERCENTAGE OF BID PRICE (D1, D2 etc. e.g. Labour, transport etc.)

#### SBD 3.2

#### PRICES SUBJECT TO RATE OF EXCHANGE VARIATIONS

В

1. Please furnish full particulars of your financial institution, state the currencies used in the conversion of the prices of the items to South African currency, which portion of the price is subject to rate of exchange variations and the amounts remitted abroad.

| PARTICULARS OF FINANCIAL<br>INSTITUTION | ITEM NO | PRICE | CURRENCY | RATE | PORTION<br>OF PRICE<br>SUBJECT<br>TO ROE | AMOUNT IN<br>FOREIGN<br>CURRENCY<br>REMITTED<br>ABROAD |
|---|---------|-------|----------|------|--|--|
|   |         |       |          | ZAR= |  |  |
|   |         |       |          | ZAR= |  |  |
|   |         |       |          | ZAR= |  |  |
|   |         |       |          | ZAR= |  |  |
|   |         |       |          | ZAR= |  |  |
|   |         |       |          | ZAR= |  |  |

2. Adjustments for rate of exchange variations during the contract period will be calculated by using the average monthly exchange rates as issued by your commercial bank for the periods indicated hereunder: (Proof from bank required)

| AVERAGE MONTHLY EXCHANGE RATES FOR<br>THE PERIOD: | DATE DOCUMENTATION<br>MUST BE SUBMITTED<br>TO THIS OFFICE | DATE FROM WHICH NEW<br>CALCULATED PRICES<br>WILL BECOME<br>EFFECTIVE | DATE UNTIL<br>WHICH NEW<br>CALCULATED<br>PRICE WILL BE<br>EFFECTIVE |
|---|---|--|---|
|   |   |  |   |
|   |   |  |   |
|   |   |  |   |

SBD 7.1

#### **CONTRACT FORM - PURCHASE OF GOODS/WORKS**

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

#### PART 1 (TO BE FILLED IN BY THE SUPPLIER)

 I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to (AMATOLA WATER) SUPPLY AND DELIVERY OF PIPES AND FITTINGS DELIVERY TO LAING DAM PROGRAMMES OFFICES in accordance with the requirements and specifications stipulated in RFQ NUMBER 1831 at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.

2. The following documents shall be deemed to form and be read and construed as part of this agreement:

- (i) Bidding documents, *viz* 
  - Invitation to bid;
  - Tax clearance certificate;
  - Pricing schedule(s);
  - Technical Specification(s);
  - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2017;
  - Declaration of interest;
  - Declaration of bidder's past SCM practices;
  - Certificate of Independent Bid Determination
  - Special Conditions of Contract;
- (ii) General Conditions of Contract; and
- (iii) Other (specify)
- 3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
- 4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
- 5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
- 6. I confirm that I am duly authorised to sign this contract.

| NAME (PRINT) | <br>          |
|--------------|---------------|
| CAPACITY     | <br>WITNESSES |
| SIGNATURE    | <br>1         |
| NAME OF FIRM | <br>2         |
| DATE         |               |

#### **GENERAL CONDITIONS OF CONTRACT**

The form of Contract to be utilized is the General Conditions of Contract issued by National Treasury.