



Date: 1 OCTOBER 2021

SCM 043 / 2021-22

## NOTICE

**FORMAL WRITTEN QUOTATIONS ARE REQUESTED FROM ACCREDITED SERVICES PROVIDERS: APPOINTMENT OF A PRODUCTION SPECIALIST IN THE FARMER PRODUCTION SUPPORT INCUBATION PROGRAMME FOR THE FOLLOWING AREAS: SCHOEMANSDAL, WHITE RIVER & BARBERTON**

Kindly furnish the district municipality with a formal written quotation for the services as stated above. See the specifications below. Quotes that do not cover the scope or specifications will be disqualified.

**The tenders must be submitted on the letterhead of your business and physically deposited to the bid box situated at Ehlanzeni District Municipality, 8 van Niekerk Street, Sonheuwel Central, Ground Floor, Tender Room not later than 12H00 on the 8<sup>th</sup> of October 2021 will be considered.**

The following conditions will apply:

- **Only suppliers that are registered on the Central Supplier Database will be considered for appointment. Please go to [WWW.CSD.GOV.ZA](http://WWW.CSD.GOV.ZA) to register before submission of quotations**
- Price(s) quoted must be valid for at least thirty (30) days from date of closing of the notice.
- Price(s) quoted must be firm and must be inclusive of VAT.
- This invitation for quotation will be evaluated in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Policy Framework Act (No 5 of 2000).
- Prospective service providers are required by law to complete all the attached MBD forms which must be completed and submitted together with your quotation.
- The successful service provider will be the one scoring the highest points.

**NB: No quotations shall be considered from persons who are in the service of the state.**

1. In order to claim points for B-BBEE status level, service providers must attach certified copies of valid certified BBBEE Certificates or copies of sworn affidavit/certified copy electronically.
2. Bank letter with bank stamp not older than three months / a cancelled cheque - if the banking details are not verified on the CSD report must be attached.
3. Certified Identity Documents (ID) of company directors.
4. Certified copies of the company registration documents issued by the Companies and Intellectual Property Commission (CIPC).
5. Valid SARS pin must be attached.
6. Proof of accreditation required below at the specifications.

FOR TECHNICAL ENQUIRIES PLEASE CONTACT: T DLAMINI 013 759 8639

FOR PROCUREMENT RELATED ENQUIRIES PLEASE CONTACT: SP KHUMALO AT 013 759 8573 OR SC THELA AT 013 759 8510.

Failure to comply with these conditions may invalidate your offer.

Regards,

---

**CHIEF FINANCIAL OFFICER**

# TERMS OF REFERENCE FOR THE FARMERS PRODUCTION SUPPORT INCUBATION PROGRAMME: PRODUCTION SPECIALIST

## 1. Qualification Criteria

A suitably qualified production specialist will need to possess the following pre-requisite documents, **failure to attach the below documents will lead to a disqualification of the bid submitted:**

- **Proof of NQF Level 7/ Honours/Masters in Agriculture (Plant Production)**
- **Proof of Association of Veterinary & Crop Associations of South Africa (AVCASA) Certificate in crop protection handling**
- **Detail CV demonstrating at least two-years' experience as a mentor / production specialist in agriculture projects/ or similar**
- **Written proposal covering:**
  - ✓ Brief profile, as relevant to the above mentioned terms of reference
  - ✓ Demonstrate experience in providing the service to the relevant areas
  - ✓ A clear understanding of the assignment;
  - ✓ Short brief of how your Entity/Company and/or Business will structure the production support;
  - ✓ Method of delivery with work breakdown structure and clear time frames;
  - ✓ A detailed budget (consolidated, activity costing, unit costing – showing percentages allocated towards project management, actual delivery of activities as per the plan submitted;
  - ✓ A profile including track record and accreditation/qualification details;
  - ✓ Outline on how the agricultural graduates linked to the farms will be capacitated and utilized through the support programme;
  - ✓ Assessment tools for skills and knowledge appraisal; and
  - ✓ An explanation of the impact assessment methods

## 2. Specific Outputs

The production specialist will be responsible for systematically developing production, farm management and marketing skills of the selected farms as direct beneficiaries of the Farmer Production Support Incubation Programme.

The focus should be on farm management with specific emphasis on production systems and quality.

The duties of the production specialist must include at least the following:

- ✓ Compile a comprehensive farm plan (prepare a farm plan or evaluate current systems, analyses do recommendations and replan the farm /production system);
- ✓ Prepare and submit a SMART implementation plan to outline technical support;
- ✓ Ensure that the farm operates within a planned and agreed farm plan ( production plan/year plan, irrigation schedule, spray programme, etc);
- ✓ Diagnose farmers management and production problems;
- ✓ Advise farmers in areas such as growing and harvesting practices, choice of machinery and equipment; etc.
- ✓ Solve problems (e.g. nutrient disorders in plants, management of weeds and plant diseases) and create solutions, including organizing and conducting field trials;
- ✓ Assist farmers with business planning, planning applications, government grant applications and new business ventures (where applicable);
- ✓ Schedule and make regular visits to farms to render technical support;
- ✓ Collect and analyse data, crop yield and financial reports to measure farm performance;
- ✓ Gather relevant information (e.g. as requested by client) and keep up to date with any relevant developments in the agricultural sector;
- ✓ Organize, advise and participate in specific project's activities and organizations such as fair events and agricultural club; and

- ✓ Maintain farm records (e.g. services provided to farmers, the effects of advice given), manage budgets and accounts, prepare reports and undertake general administrative duties.

### 3. Expected Deliverables

- ✓ An implementable comprehensive farm plan
- ✓ Implement the farm plan, dedicating at least 8 hours per week on the farm, however this cannot be done only on one day it must be spread sparingly over a week in agreement with the farmers;
- ✓ An assessment report with a clear gaps analysis of the identified farms and support plan;
- ✓ A support plan with clear deliverables and timelines based on the above mentioned assessment, for the selected farms.
- ✓ Proactively share knowledge with farmers in order to ensure a consistent flow of information and growth assistance with upcoming production related problems on an ad hoc basis;
- ✓ A monthly report will be submitted by the production specialist and approved by the Rural Development Manager according to the monthly plans;
- ✓ Ensure skills transfer to the farmer and the graduates;
- ✓ The production specialist has to show the farmers how to do things such as production management, administration, negotiations, technical skills and marketing; and

Apart from the selected farmers, the production specialist will work closely together with an agriculture graduate, the LED/agricultural officer of a Local Municipality and the Rural Development Manager from Ehlanzeni District Municipality

### 4. Contract Duration

The contract duration will be from date of appointment to 30 June 2022

### 5. Travel Arrangements

### 6. Qualification Criteria

A suitably qualified production specialist will need to possess the following pre-requisite documents, **failure to attach the below documents will lead to a disqualification of the bid submitted:**

- **Proof of NQF Level 8 or 9 / Honours/Masters in Agriculture (Plant Production)**
- **Proof of Association of Veterinary & Crop Associations of South Africa (AVCASA) Certificate in crop protection handling/ Course in crop protection**
- **Detail CV demonstrating at least two-years' experience as a mentor/production specialist in agriculture projects/ or similar**
- **Written proposal covering:**
  - ✓ Brief profile, as relevant to the above- mentioned terms of reference
  - ✓ Demonstrate experience in providing the service to the relevant areas
  - ✓ A clear understanding of the assignment;
  - ✓ Short brief of how your Entity/Company and/or Business will structure the production support;
  - ✓ Method of delivery with work breakdown structure and clear time frames;
  - ✓ A detailed budget (consolidated, activity costing, unit costing – showing percentages allocated towards project management, actual delivery of activities as per the plan submitted;
  - ✓ A profile including track record and accreditation/qualification details;
  - ✓ Outline on how the agricultural graduates linked to the farms will be capacitated and utilized through the support programme;
  - ✓ Assessment tools for skills and knowledge appraisal; and
  - ✓ An explanation of the impact assessment methods

### 7. Specific Outputs

The production specialist will be responsible for systematically developing a production system, farm management and transferring marketing skills to the selected 3 farms as direct beneficiaries of the Farmer Production Support Incubation Programme.

The focus should be on farm management with specific emphasis on production systems and quality.

The duties of the production specialist must include at least the following:

- ✓ Compile a comprehensive farm plan (prepare a farm plan or evaluate current systems, analyses do recommendations and replan the farm /production system);
- ✓ Prepare and submit a SMART implementation plan to outline technical support;
- ✓ Ensure that the farm operates within a planned and agreed farm plan (production plan/year plan, irrigation schedule, spray programme, etc);
- ✓ Diagnose farmers management and production problems;
- ✓ Advise farmers in areas such as growing and harvesting practices, choice of machinery and equipment; etc.
- ✓ Solve problems (e.g., nutrient disorders in plants, management of weeds and plant diseases) and create solutions, including organizing and conducting field trials;
- ✓ Transfer marketing skills to the beneficiaries and help them to develop a functional marketing system;
- ✓ Assist farmers with business planning, planning applications, government grant applications and new business ventures (where applicable);
- ✓ Schedule and make regular visits to farms to render technical support;
- ✓ Collect and analyze data, crop yield and financial reports to measure farm performance;
- ✓ Gather relevant information (e.g., as requested by client) and keep up to date with any relevant developments in the agricultural sector;
- ✓ Organize, advise and participate in specific project's activities and organizations such as fair events and agricultural club; and
- ✓ Develop a farm record system (capacitate beneficiaries to manage budgets and accounts, prepare reports and undertake general administrative duties).

## 8. Expected Deliverables

- ✓ An implementable comprehensive farm plan
- ✓ Implement the farm plan, dedicating at least 8 hours per week on the farm, however this cannot be done only on one day it must be spread sparingly over a week in agreement with the farmers;
- ✓ An assessment report with a clear gaps' analysis of the identified farms and support plan;
- ✓ A support plan with clear deliverables and timelines based on the above-mentioned assessment, for the selected farms.
- ✓ Proactively share knowledge with farmers in order to ensure a consistent flow of information and growth assistance with upcoming production related problems on an ad hoc basis;
- ✓ A monthly report will be submitted by the production specialist and approved by the Rural Development Manager according to the monthly plans;
- ✓ Ensure skills transfer to the farmer and the graduates;
- ✓ The production specialist has to show the farmers how to do things such as production management, administration, negotiations, technical skills and marketing; and

Apart from the selected farmers, the production specialist will work closely together with an agriculture graduate, the LED/agricultural officer of a Local Municipality and the Rural Development Manager from Ehlanzeni District Municipality

## 9. Contract Duration

The contract duration will be from date of appointment to 30 June 2022

## 10. Travel Arrangements

The travel costs will be incurred by the production specialist /s including toll fees and are included in the contract amount.

**NB: The total quoted amount for the above items should be transferred to the MBD1 as the TOTAL BID PRICE with a clear cost break down for all three items, failure to complete the TOTAL BID PRICE will render your bid to be non-responsive and will be disqualified.**

## PART A INVITATION TO BID

|  |   |               |  |  |       |
|--|---|---------------|--|--|-------|
| <b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE EHLANZENI DISTRICT MUNICIPALITY</b>   |   |               |  |  |       |
| BID NUMBER:  | SCM 043 / 2021-22   | CLOSING DATE: | 8 OCTOBER 2021   | CLOSING TIME:  | 12H00 |
| DESCRIPTION  | APPOINTMENT OF A PRODUCTION SPECIALIST IN THE FARMER PRODUCTION SUPPORT INCUBATION PROGRAMME FOR THE FOLLOWING AREAS: SCHOEMANSDAL, WHITE RIVER & BARBERTON |               |  |  |       |
| <b>A PURCHASE ORDER/AN APPOINTMENT LETTER WILL BE ISSUED TO THE SUCCESSFUL BIDDER</b>  |   |               |  |  |       |
| <p>The tenders must be submitted on the letterhead of your business and physically deposited to the bid box situated at Ehlanzeni District Municipality, 8 van Niekerk Street, Sonheuwel Central, Tender Room, Ground Floor.</p> |   |               |  |  |       |
| <b>SUPPLIER INFORMATION</b>  |   |               |  |  |       |
| NAME OF BIDDER   |   |               |  |  |       |
| POSTAL ADDRESS   |   |               |  |  |       |
| STREET ADDRESS   |   |               |  |  |       |
| TELEPHONE NUMBER   | CODE  |               | NUMBER   |  |       |
| CELLPHONE NUMBER   |   |               |  |  |       |
| FACSIMILE NUMBER   | CODE  |               | NUMBER   |  |       |
| E-MAIL ADDRESS   |   |               |  |  |       |
| VAT REGISTRATION NUMBER  |   |               |  |  |       |
| TAX COMPLIANCE STATUS  | TCS PIN:  |               | OR   | CSD No:  |       |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]   | <input type="checkbox"/> Yes<br><br><input type="checkbox"/> No   |               | B-BBEE STATUS LEVEL SWORN AFFIDAVIT                                      | <input type="checkbox"/> Yes<br><br><input type="checkbox"/> No                        |       |
| <b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>  |   |               |  |  |       |
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?  | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES ENCLOSE PROOF]  |               | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES, ANSWER PART B:3 ] |       |
| TOTAL NUMBER OF ITEMS OFFERED  |   |               | TOTAL BID PRICE  | R  |       |
| SIGNATURE OF BIDDER  | .....   |               | DATE   |  |       |
| CAPACITY UNDER WHICH THIS BID IS SIGNED  |   |               |  |  |       |
| <b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>   |   |               | <b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>                         |  |       |
| DEPARTMENT   | FINANCE   |               | CONTACT PERSON   | T DLAMINI  |       |
| CONTACT PERSON   | SP KHUMALO / SC THELA   |               | TELEPHONE NUMBER   | 013 759 8639   |       |
| TELEPHONE NUMBER   | 013 759 8573 / 013 759 8510   |               | FACSIMILE NUMBER   |  |       |
| FACSIMILE NUMBER   |   |               | E-MAIL ADDRESS   | tdlamini@ehlanzeni.gov.za  |       |
| E-MAIL ADDRESS   | pkhumalo@ehlanzeni.gov.za   |               |  |  |       |

## PART B TERMS AND CONDITIONS FOR BIDDING

|  |   |
|--|---|
| <b>1. BID SUBMISSION:</b>  |   |
| 1.1.   | BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.   |
| 1.2.   | THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT. |
| <b>2. TAX COMPLIANCE REQUIREMENTS</b>  |   |
| 2.1  | BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.  |
| 2.2  | BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.   |
| 2.3  | APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.        |
| 2.4  | FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.  |
| 2.5  | BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.  |
| 2.6  | IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.  |
| 2.7  | WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.   |
| <b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>   |   |
| 3.1.   | IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>   |
| 3.2.   | DOES THE ENTITY HAVE A BRANCH IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>   |
| 3.3.   | DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>  |
| 3.4.   | DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>   |
| 3.5.   | IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>   |
| <b>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</b> |   |

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

SIGNATURE OF BIDDER: .....

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

DATE: .....

**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 The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.

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:

|  | <b>POINTS</b> |
|--|---------------|
| <b>1.4.1.1 PRICE</b>                                     | 80            |
| <b>1.4.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>        | 20            |
| <b>Total points for Price and B-BBEE must not exceed</b> | <b>100</b>    |

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 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)BBEE Status level certificate issued by an authorized body or person;





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 by:    | EME<br>√ | QSE<br>√ |
|---|----------|----------|
| 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                            |          |          |
| <b>OR</b>   |          |          |
| 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**

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....

.....

.....

.....

**8.6 COMPANY CLASSIFICATION**

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

**8.7 MUNICIPAL INFORMATION**

**Municipality where business is situated:** .....

**Registered Account Number:** .....

**Stand Number:**.....

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

8.9 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 or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to 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 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.

|  |
|--|
| <p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p> |
|--|

|   |
|---|
| <p>.....<br/>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p> <p>.....</p> |
|---|

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

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

- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
- abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
  - been convicted for fraud or corruption during the past five years;
  - willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
  - been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).

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

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

| Item | Question | Yes | No |
|------|----------|-----|----|
|      |          |     |    |

|       |  |                                 |                                |
|-------|--|---------------------------------|--------------------------------|
| 4.4   | Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months? | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.4.1 | If so, furnish particulars:  |                                 |                                |
| 4.5   | Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?                         | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.7.1 | If so, furnish particulars:  |                                 |                                |

**CERTIFICATION**

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

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

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

Js367bW

# DECLARATION OF INTEREST

MBD4

1. No bid will be accepted from persons in the service of the state\*
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.

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

3.1. Full Name: .....

3.2. Identity Number: .....

3.3. Company Registration Number: .....

3.4. Tax Reference Number: .....

3.5. VAT Registration Number: .....

**NB: Tick (✓) what is applicable in the box**

- 3.6. Are you presently in the service of the state\*  
3.6.1. If **YES**, furnish particulars

.....  
.....

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

- 3.7. Have you been in the service of the state for the past twelve months?

.....  
.....

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

- 3.7.1. If **YES**, furnish particulars.

.....  
.....

\*MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
  - (i) any municipal council;
  - (ii) any provincial legislature; or
  - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

3.8. Do you, have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?

3.8.1. If **YES**, furnish particulars.

.....  
.....

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

3.9. Are you, aware of any relationship (family, friend, other) between a bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?

3.9.1. If **YES**, furnish particulars.

.....  
.....

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

3.10. Are any of the company's directors, managers, principal shareholders or stakeholders in service of the state?

3.10.1. If **YES**, furnish particulars.

.....  
.....

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

3.11. Are any spouse, child or parent of the company's directors, managers, principal shareholders or stakeholders in service of state?

3.11.1. If **YES**, furnish particulars.

.....  
.....

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

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

| <b>Full Name</b> | <b>Identity Number</b> | <b>State Employee Number</b> |
|------------------|------------------------|------------------------------|
|                  |                        |                              |
|                  |                        |                              |
|                  |                        |                              |
|                  |                        |                              |
|                  |                        |                              |
|                  |                        |                              |
|                  |                        |                              |
|                  |                        |                              |
|                  |                        |                              |
|                  |                        |                              |

**CERTIFICATION**

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

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

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of 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 disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder



6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

<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

Js914w 2