ETHEKWINI MUNICIPALITY
Community & Emergency Services Cluster
Health Unit
Administration and Support Services

PQ: 7P-31146

DESCRIPTION:

PROVISION OF A CONDITIONAL ASSESSMENT OF AUTOCLAVE ANZY JSD 160; REPAIRING OF ANZY JSD 400 AND BUTTERWORTH GUARDIAN AUTOCLAVES AND SERVICING OF 3 AUTOCLAVES; BUTTERWORTH GUARDIAN, ANZY JSD 400 AND STERILIZER TECHNOLOGIES SD 396 IN THE CENTRAL STERILIZING SERVICE DEPARTMENT

FOR FURTHER DETAILS CONTACT:
Name:  Mrs Z Mkhize: 031 311 3688
       Mr T Mlipa: 031 319 3505
**ETHEKWINI MUNICIPALITY**  
Community & Emergency Services Cluster  
Health Unit  
Administration and Support Services

Website: [http://www.durban.org.za](http://www.durban.org.za)

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**DATE** | **NO. OF PAGES (INCL. THIS PAGE)**
--- | ---
**SUPPLIER NAME** | **ATTENTION**
**CONTACT DETAILS** | **TEL** | **EMAIL**

**PROVISION OF A CONDITIONAL ASSESSMENT OF AUTOCLAVE ANZY JSD 160; REPAIRING OF ANZY JSD 400 AND BUTTERWORTH GUARDIAN AUTOCLAVES AND SERVICING OF 3 AUTOCLAVES; BUTTERWORTH GUARDIAN, ANZY JSD 400 AND STERILIZER TECHNOLOGIES SD 396 IN THE CENTRAL STERILIZING SERVICE DEPARTMENT**

We, the undersigned hereby undertake to carry out the above for the price, hereunder:

Price: ..........................................................R--

Vat: ..........................................................R--

Total: ..........................................................R--

**AMOUNT IN WORDS**


SIGNATURE  | COMPANY STAMP  | DATE
--- | --- | ---

__

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**QUOTATIONS TO BE SUBMITTED TO CITY HEALTH UNIT TENDER BOX ON THE GROUND FLOOR AT 9 ARCHIE GUMEDE PLACE, DURBAN. CLOSING DATE: 17-October-2016 AT 11:00 AM.**
ETHEKWINI MUNICIPALITY
Community & Emergency Services Cluster
Health Unit
Administration and Support Services

PQ: 7P-31146
DESCRIPTION: PROVISION OF A CONDITIONAL ASSESSMENT OF AUTOCLAVE ANZY JSD 160; REPAIRING OF ANZY JSD 400 AND BUTTERWORTH GUARDIAN AUTOCLAVES AND SERVICING OF 3 AUTOCLAVES; BUTTERWORTH GUARDIAN, ANZY JSD 400 AND STERILIZER TECHNOLOGIES SD 396 IN THE CENTRAL STERILIZING SERVICE DEPARTMENT

1. SCOPE OF REPAIR AND SERVICE

- Four (4) autoclaves in the Central Sterilising Service Department CSSD 9 Archie Gumede place in EThekwini Municipality Health Unit.
- Intermittent repair of autoclaves.
- Conditional assessment, servicing and repair to include provision of all necessary spares.

MAKES AND MODELS OF AUTOCLAVES:

- BUTTERWORTH – Guardian
- ANZY – JSD 400
- STERILIZER TECHNOLOGIES SD – 396
- ANZY – JSD 160

The scope of work for the duration of the service period includes:

<table>
<thead>
<tr>
<th>INSTRUCTION: CHECK, ADJUST, CLEAN AS REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. HINGED DOOR</td>
</tr>
<tr>
<td>• Check hinges for wear, alignment and lubricate</td>
</tr>
<tr>
<td>• Check radial arms, spindle and lubricate</td>
</tr>
<tr>
<td>• Check door bellows for leaks. Check door for crack3s</td>
</tr>
<tr>
<td>2. SLIDING DOOR</td>
</tr>
<tr>
<td>• Check door alignment and travel adjustment</td>
</tr>
<tr>
<td>• Check door guides and slips for wear</td>
</tr>
<tr>
<td>• Check door closing mechanism, drive motor, gear box, cylinders, chains, sprockets, counter balance as applicable. Check door for cracks.</td>
</tr>
<tr>
<td>• Clean the silicone door seal with autoclave silicone spray and lubricate again after cleaning</td>
</tr>
<tr>
<td>3. INTERLOCK</td>
</tr>
<tr>
<td>• Check door closed, steam to chamber interlock</td>
</tr>
<tr>
<td>• Check temperature sensor, control and connections</td>
</tr>
<tr>
<td>4. CHAMBER &amp; JACKET</td>
</tr>
<tr>
<td>• Remove internal racks, clean chamber and inspect for corrosion</td>
</tr>
<tr>
<td>• Clean chamber drain sieve</td>
</tr>
<tr>
<td>• Run a vacuum leak test cycle if available (Check the integrity of the pressure vessel)</td>
</tr>
<tr>
<td>5. VACUUM SYSTEM</td>
</tr>
<tr>
<td>• Check pump mountings, couplings and motor</td>
</tr>
<tr>
<td>• Check water valve settings</td>
</tr>
<tr>
<td>• Check operation and performance, make sure it does not cavitate!</td>
</tr>
<tr>
<td>• Check ball valve and setting</td>
</tr>
<tr>
<td>• Check and clean ejector / Vacuum pump – clean and check operation, check for leaks!</td>
</tr>
<tr>
<td>• Check glands / lubricate</td>
</tr>
<tr>
<td>• Check vacuum switch setting</td>
</tr>
<tr>
<td>• Lubricate as required</td>
</tr>
</tbody>
</table>
- Check condenser for leaks

6. **COMPRESSOR**
- Check mountings, coupling and motor
- Clean filter
- Check pressure switch setting
- Check lubricator and regulator
- Check water separator
- Check oil level – replace oil
- Check safety valve and setting

7. **HAND WHEEL CONTROL**
- Clean and lubricate cam-shaft and ratchet
- Check and adjust tappet clearance as required
- Check ratchet indent pin
- Check sterilize stage interlock, if applicable

8. **SOLENOID VALVES AND FITTINGS**
- Service and replace seats (Kits), diaphragm, gaskets as required
- Steam traps, replace steam trap kit once in 12 months
- Non return valves replace kits once in 12 months
- Steam valves replace kits once in 12 months
- Water valves replace kits once in 12 months
- Air valves replace kits once in 12 months
- Vacuum valves replace kits once in 12 months
- Pressure reducing valves
- Separators
- Isolating valves
- Safety valves – check release setting and relock, replace if leaking through continuously
- Check condenser circuit for obstruction and corrosion
- Check water supply tank and ball valve setting
- Check econ-valve setting
- Check and clean bacteriological filter sock, replace complete filter once in 12 months
- Check drain and tundish
- Check and clean all strainers

9. **STEAM GENERATOR**
- Check blow down valve, conduct a 5 seconds “blow down” after the service
- Check gauge glass and rubbers
- Check floatless switch and probes
- Check for leaks
- Check safety valve and setting, replace if leaking through continuously
- Check operation of water feed pump glands and coupling. Lubricate as required
- Check pressure gauge. Mark red line at MWP
- Check calibration of pressure control switch
- Note element amperage, replace non-functioning elements as needed, all elements must work

10. **GENERAL**
- Check base plate and frame for corrosion – descale and repaint as required
- Check facia and side panels for mechanical damage and fixings
- Check insulation and cladding
- Check and secure all pipe brackets and mountings
- Clean the plant and plant room
- Meg-ohm test motors and test earth continuity
- Check incoming water quality, use colouring liquid to test for “HARD” water. Water softener?

11. **TEST PROCEDURE**
- On completion of service test run each cycle, carry out Bowie and Dick test and attach result with job sheet
- Carry out vacuum leak test
2. **STATUTORY REQUIREMENTS**

Requirement of any present or future legislation, ordinance, proclamation, bylaw, directive, decision, regulation, rule, order, notice or code of practice having the force of law in the ETHeKwini Municipal area.

2.1 **SAFETY, HEALTH AND ENVIRONMENTAL HAZARDS**

The Service Provider is required to abide by the requirements of the Occupational Health and Safety Act 85 of 1993 (OHSActA) in particular the contractor is to familiarise itself and to comply with all safety regulations. The safety of the service provider personnel, its subcontractor’s personnel as well as that of health facility staff members or members of the public who may be adversely affected by the execution of the services, shall be the sole responsibility of the service provider. The service provider must submit copies of its operational health and safety plan that shall be designed to ensure the health and safety of any persons involved in or affected by the duties performed. The health and safety plan should fully conform to the requirements of the Occupational Health and Safety Act. The service provider shall ensure that all of its employees adhere to the requirements stipulated in the plan. A description is to be provided of all equipment, procedures, training and other measures that will be taken to ensure the health and safety of all personnel providing the services or likely to be affected by the services provided. No untrained persons shall be allowed to carry out any work under this contract.

2.2 **STATUTORY REQUIREMENTS RELATING TO SERVICE AND MAINTENANCE OF AUTOCLAVES**

The contractor must comply with the institutional Infection Prevention and Control Policy.

**NATIONAL LEGISLATION**

- Health Act, Act 63 of 1977
- National Health Act, Act 61 of 2003
- Occupational Health and Safety Act, Act 85 of 1993

**PROVINCIAL LEGISLATION**

- KZN Provincial Decontamination Policy
- KZN Infection and Prevention Control Policy

**PROVINCIAL AND MUNICIPAL BY LAWS**

- Schedule Trade and Occupational Bylaws for ETHeKwini Municipality

**GOVERNMENT GUIDELINES AND REQUIREMENTS**

**CODES OF PRACTICE**

3. **INJURY ON DUTY**

- First aid will be provided at the site of injury.
- Arrangements must be made by the service provider for further management of the injured personnel.
- Workman’s compensation for injured personnel must be covered by the service provider.

4. **LABOUR EQUIPMENT**

- Must be sought from approved and accredited suppliers.

5. **SERVICE FAILURE AND PENALTIES**

- Allocated personnel must be present to attend to scheduled service and maintenance and unscheduled repairs
- Failure to do so will result penalties (non-payment) to the service provider

6. **COMPULSORY RETURNABLE DOCUMENTS**

- Company profile with previous relevant experience with references.
- Certified Autoclaves Service Provider Accreditation or Certification must be attached.
- Certified Copy of BBB-EE.
- Original Tax Clearance Certificate.
• Must be registered on the Municipal database.
• Must be submitted on a sealed envelope quoted a contract number.

The Municipality wishes to engage the services of accredited, specialist service providers, who meet the stipulated criteria, to submit written quotations for the above specification.

QUOTATIONS TO BE SUBMITTED TO CITY HEALTH UNIT TENDER BOX ON THE GROUND FLOOR AT 9 ARCHIE GUMEDE PLACE, DURBAN. CLOSING DATE: 17-October-2016 AT 11:00 AM.

FOR FURTHER DETAILS CONTACT: Mrs Z Mkhize: 031 311 3688
Mr T Mlipa: 031 319 3505
TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

1. In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.

2. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.

3. The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.

4. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.


6. Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.
DECLARATION OF INTEREST

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

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

3.1 Full Name: ............................................................

3.2 Identity Number: ....................................................

3.3 Company Registration Number: ....................................

3.4 Tax Reference Number: .............................................

3.5 VAT Registration Number: ...........................................

3.6 Are you presently in the service of the state∗ YES / NO

3.6.1 If so, furnish particulars.

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

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

3.7.1 If so, 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 so, furnish particulars.

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

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 so, furnish particulars

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

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

3.10.1 If so, furnish particulars.

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

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

3.11.1 If so, furnish particulars.

........................................................................................................
........................................................................................................
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
PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

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, 2011.

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 R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the……………………system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

(a) Price; and
(b) B-BBEE Status Level of Contribution.

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

<table>
<thead>
<tr>
<th>POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.3.1.1 PRICE</td>
</tr>
<tr>
<td>1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION</td>
</tr>
</tbody>
</table>

Total points for Price and B-BBEE must not exceed 100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5. 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

2.1 “all applicable taxes” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

2.2 “B-BBEE” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

2.3 “B-BBEE status level of contributor” means the B-BBEE status received by a measured entity based
on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

2.4 **“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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;

2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;

2.7 **“consortium or joint venture”** 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;

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

2.9 **“EME”** means any enterprise with an annual total revenue of R5 million or less.

2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;

2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;

2.12 **“non-firm prices”** means all prices other than “firm” prices;

2.13 **“person”** includes a juristic person;

2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;

2.15 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;

2.16 **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the Government Gazette on 9 February 2007;

2.17 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and

2.18 **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

3.1 The intention is to award the contract to the bidder obtaining the highest number of total points.

3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;

3.3 Points scored must be rounded off to the nearest 2 decimal places.
3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.

3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.

3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

\[ Ps = 80 \left( 1 - \frac{Pt - P_{\text{min}}}{P_{\text{min}}} \right) \quad \text{or} \quad Ps = 90 \left( 1 - \frac{Pt - P_{\text{min}}}{P_{\text{min}}} \right) \]

Where

\[
\begin{align*}
Ps & = \text{Points scored for comparative price of bid under consideration} \\
Pt & = \text{Comparative price of bid under consideration} \\
P_{\text{min}} & = \text{Comparative price of lowest acceptable bid}
\end{align*}
\]

5. Points awarded for B-BBEE Status Level of Contribution

5.1 In terms of Regulation 5 (2) and 6 (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:

<table>
<thead>
<tr>
<th>B-BBEE Status Level of Contributor</th>
<th>Number of points (90/10 system)</th>
<th>Number of points (80/20 system)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>9</td>
<td>18</td>
</tr>
<tr>
<td>3</td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td>4</td>
<td>5</td>
<td>12</td>
</tr>
<tr>
<td>5</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>7</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Non-compliant contributor</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an
Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA’s approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.

5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

5.5 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 bid.

5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

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

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 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? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of firm ...........................................................................................................

9.2 VAT registration number .....................................................................................
9.3 Company registration number ..........................................................................................................................

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

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

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

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated ................................................................................................................
Registered Account Number ..........................................................
Stand Number ........................................................................

9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS?
......................................................................................

9.9 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 contribution indicated in paragraph 7 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 paragraph 7, 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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the
shareholders and directors who acted on a fraudulent basis, 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. ..............................................

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

SIGNATURE(S) OF BIDDER(S)

2. ..............................................

DATE:.................................

ADDRESS:.................................

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

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

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CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Municipal Bidding Document (MBD) must form part of all bids¹ 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).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
   a. take all reasonable steps to prevent such abuse;
   b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
   c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.
CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

________________________________________________________________________

(Bid Number and Description)

in response to the invitation for the bid made by:

______________________________________________________________________________

(Name of Municipality / Municipal Entity)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of:_______________________________________________________that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;

2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;

3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;

4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;

5. For the purposes of this Certificate and the accompanying bid, I understand that the word “competitor” shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

   (a) has been requested to submit a bid in response to this bid invitation;
   (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
   (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium\(^3\) 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.

\(^3\) 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.

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Signature                                     Date

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Position                                      Name of Bidder

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