

HARRY GWALA DEVELOPMENT AGENCY(PTY)LTD

2011/001221/07

Harry Gwala Farmers Market, Erf 2226
Portion 27 of the Farm Ellerton, IXOPO 3276

Website: www.hgda.co.za

INVITATION TO QUOTE

APPOINTMENT OF A TRAINING SERVICE PROVIDER TO RENDER COMPREHENSIVE PERFORMANCE MANAGEMENT TRAINING

QUOTE NO: HGDA 04

Bids are hereby invited from suitably qualified service providers to quote for "**APPOINTMENT OF A TRAINING SERVICE PROVIDER TO RENDER COMPREHENSIVE PERFORMANCE MANAGEMENT TRAINING**". The Bid will be evaluated in terms of Price and Preferential Specific goals.

AVAILABILITY OF DOCUMENTS

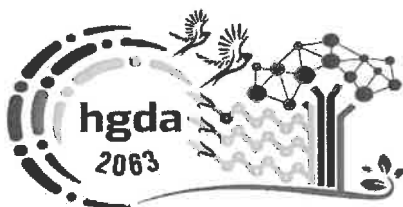
The Bid documents can be downloaded from the Harry Gwala Development Agency (Pty) Ltd website www.hgda.co.za at no cost.

Mandatory Returnable

Bidders must attach the mandatory returnable documents to be considered for this bid.

- Price(s) quoted must be valid for at least thirty (30) days from the date of your offer.
- Price(s) quoted must be firm and must be inclusive of Vat.
- The quote must be submitted on a separate page containing the letterhead of your business.
- MBD 4, MBD 6.1, MBD 8 and MBD 9 must be completed and submitted together with your written quotation.
- Valid Tax Clearance certificate and Tax compliant status with verification pin.
- Certified copy of B-BBEE certificate or Sworn Affidavit
- Central Supplier Database summary report
- Copy of Company Registration Document.
- Copies of ID for Company Directors or Members.
- Copy of current municipal account for all Director/s and Company (not older than 3 months) or copy of lease agreement from the relevant leasing authority. If the business is operated from the residence of one of the Director/s, an original affidavit, certified, must be submitted stating the address of the premises, preferably from your local SAPS office

NB: No quotations will be considered from persons in the service of the state or persons who owe rates, services, and taxes to any Municipality for a period longer than 90 days or not registered with CSD



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INVITATION TO QUOTE

The Harry Gwala Development Agency (Pty) Ltd hereby invites suitably qualified, experienced and reputable Service Providers to provide services to the entity, through Supply Chain Processes with a range from **R0 to R30 000**.

The Bid documents can be downloaded from the Harry Gwala Development Agency (Pty) Ltd website www.hgda.co.za

BID NO.	PROJECT DESCRIPTION	AVAILABILITY OF TENDER DOCUMENTS	CLOSING DATE	TECHNICAL ENQUIRIES
HGDA 01	Supply, delivery and Installation of Gate Motor	11 June 2025	17 June 2025 @11h00	Mr. W Zwane (071 390 2328)
HGDA 02	Supply and delivery of Paint			
HGDA 03	Supply, delivery and Installation of Ceiling Extractor Fans			
HGDA 04	Appointment of a Training Service Provider to Render Comprehensive Performance Management Training			Mrs. N Khoza (076 501 1583)

BID SUBMISSION

Sealed Bid Documents with the **Bid Number and description of the bid** endorsed on the envelop with the **bidders details** clearly indicated must hand delivered and be deposited in the **TENDER BOX located at the Reception Area, Harry Gwala Development Agency, Farmers Market, Portion 27 of the Farm Ellerton, Erf 2226, Ixopo 3275**, not later than the aforementioned dates where after, bids will be opened in public. The scope of work and bid requirements is stipulated in the bid documents.

The evaluation of bids will be done based on Price and Preference Specific Goals

- Goal 1 Ownership = 10 Points
- Goal 2 RDP = 10 Points
- ❖ The 80/20 Preferential Point system in terms of the 2022 Preferential system will apply and points will be awarded based on the entity's specific goals that is on ownership and RDP goals. **(MBD 6.1 must be completed by the tenderer to claim points.)**

Late, telegraphic, e-mailed or faxed bids will not be considered.

Harry Gwala Development Agency (Pty) Ltd does not bind itself to accept the lowest or any bid and reserves the right to accept the Bid in whole or part, at the rates quoted.


MRS TT THIYANE-MAGAQA
ACTING CHIEF EXECUTIVE OFFICER
Notice Number: 71-24/25



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2011/001221/07

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INVITATION TO QUOTE
APPOINTMENT OF A TRAINING SERVICE PROVIDER TO RENDER COMPREHENSIVE
PERFORMANCE MANAGEMENT TRAINING WITHIN THE MONTH OF JUNE
QUOTE NO: HGDA 04

NAME OF BIDDER:	
TELEPHONE/CELLPHONE NO:	
FAX NO:	
EMAIL ADDRESS	
ADDRESS:	
QUOTE SUM (ALL INCLUSIVE) (in words):	
QUOTE SUM (ALL INCLUSIVE) (numerical):	

1. INTRODUCTION

The Harry Gwala Development Agency (HGDA) is a special purpose vehicle to manage and implement development projects within the Harry Gwala District Municipality (HGDM), which is designed to promote and develop economic potential by building opportunities and competitive strengths, leverage public and private resources for development opportunities which offer economic potential and to strengthen investment environments to compete effectively for capital in order to develop to full potential.

Employee performance management is integrally linked to organisational performance management where organisational objectives are cascaded down to become the responsibility of municipal management and employees to execute. Employee performance management is therefore the continuous process of communicating and clarifying job responsibilities, priorities and performance expectation in order to assign tasks to employees that they will be held accountable for.

2. PURPOSE AND OBJECTIVE

The aim of a performance management training is to help to clarify institutional and individual roles, arrangements and controls with regards to the management of performance. It is an integrated approach that links organisational performance to individual performance. This integration is achieved through a cascading process where organisational objectives and targets are linked to employee performance achievements. Through this integration, the performance management system promotes accountability as well as improved decision-making and service delivery.

Effective Performance Management will raise morale and contribute to developing a Learning Culture in the and contribute to the GDS 2040, and to implement Performance Management Training (PM) Performance Management for Municipal environment in South Africa, SAQA ID: 116341 to employees within HGDA.

The appointed service provider will be required to provide Performance Management to employees on the following:

- a) To train 16 (sixteen) HGDA employees in Performance Management training programme.
- b) To conduct Performance Management training that will cover SAQA ID: 116341 Unit Standard, NQF Level 6 for employees within the Municipal Entity.
- c) The work to be undertaken in person (at the Harry Gwala Development Agency)

3. DELIVERABLES

The targeted group is (16) employees. The service provider to provide learning material as follows:

- (a) Post training learner support to attendees when necessary.

- I. Training Manual.
- II. Facilitator Guide.
- III. Learner Workbook.
- IV. Portfolio of evidence

- (b) Learning Materials aligned to NQF requirements SAQA ID:116341 Unit Standard, NQF Level 6.

- (c) Customized Training Programmers in accordance with the Entity needs.
- (d) In contact training delivery
- (e) Facilitate the training programmers using the facilitators that are subject matters experts (Municipal Entities).
- (f) A Pre-Intervention Questionnaire
- (g) Present the classroom and practical learning to beneficiaries; (outcome based)
- (h) Provide learner support during and after training
- (i) Keep daily attendance registers and the learner database
- (j) Submit invoices for payment to the Unit responsible.
- (k) Submit a Close out Report on completion of Training intervention.
- (l) Submission of Attendance Registers and Evaluation Forms after Training.
- (m) Issue accredited Statement of Result (SoR) and Certificate of attendances after completion of the training

PERFORMANCE MANAGEMENT TRAINING PROJECT PLAN

No of employees	Duration	Employees Per session	Outcomes: Performance Management for Municipal environment in SA unit standard (116341)
16	1 Day (In contact Session) 20 working days for learners to complete and submit portfolio of evidence for assessment	ALL	a) Implement Performance Management system and mechanisms in a South African Municipal Entity as required by the local government legislative framework. b) Programme design and curation of material c) Develop Performance Management concepts for the effective measurement municipal strategic and financial performance. f) Apply Performance Management concepts to municipal service delivery.
PROGRESSION			Learners found competent receive/All learners can get certificates of attendance statement of results and certificate of competence endorsed by the LGSETA

4. PRICING SCHEDULE

Item		Quantity	Price per unit	Total
1.	Training Manual	16		
2.	Learner Workbook	16		
3.	Facilitator Guide	1		
4.	Cost of facilitation for 16 learners	1 Day		
5.	Assessment of POE's	16		
6.	Verification of POE's	16		
7.	Moderation of POE's	16		
8.	Registration of learners with relevant SETA database	16		
6.	Statements of Results (SoR) and Certificate of attendance	16		
7.	Close out report	1		
8.	VAT 15%			
	TOTAL (Inclu VAT)			

5. LEARNING OUTCOMES

Training to include but not limited to

- How to align departmental, individual goals with business strategy as and when it gets reviewed.
- Set measurable departmental goals standards that promote a high-performance culture
- How to measure and score performance for direct reports.
- Planning work and setting expectations
- How managers / employees should conduct themselves
- How Performance Agreements links to the job profiles.
- Dos and don'ts; how to measure performance.
- What to address and how to address during coaching sessions
- How to give constructive feedback to direct reports and manage poor performance.
- Periodically reviewing performance and rewarding good performance as guided by HGDA Performance Management Policy
- How to identify potential performance setbacks through continuous monitoring and evaluation
- Gathering, collating and presenting evidence related to performance outcomes

6. DURATION

The appointed service provider is expected to complete the training in one day after the receipt of the purchase order.

7. EVALUATION CRITERIA

Evaluation criteria will be based on price and preference specific goals

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
- 3 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

3.1 Full Name of bidder or his or her representative.....

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, shareholder²)

3.4 Company Registration Number:

3.5 Tax Reference Number.....

3.6 VAT Registration Number:

3.7 The names of all directors / trustees / shareholder's members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state? **YES / NO**

3.8.1 If yes, furnish particulars.

.....

¹MSCM 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.

² Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

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

3.9.1 If yes, furnish particulars.....

.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? YES / NO

3.10.1 If yes, furnish particulars.

.....
.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? YES / NO

3.11.1 If yes, furnish particulars

.....
.....

3.12 Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? YES / NO

3.12.1 If yes, furnish particulars.

.....
.....

3.13 Are any spouse, child or parent of the company's directors trustees, managers, principle shareholders or stakeholders in service of the state? YES / NO

3.13.1 If yes, furnish particulars.

.....
.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. YES / NO

3.14.1 If yes, furnish particulars:

.....
.....

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

Full Name	Identity Number	State Employee
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		Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

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

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

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

1. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

(delete whichever is not applicable for this tender).

- The applicable preference point system for this tender is the 90/10 preference point system.
- The applicable preference point system for this tender is the 80/20 preference point system.
-
- Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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

(a) Price; and

(b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc}
 \text{80/20} & \text{or} & \text{90/10} \\
 P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right) & \text{or} & P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)
 \end{array}$$

Where

- P_s = Points scored for price of tender under consideration
- P_t = Price of tender under consideration
- P_{min} = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc} 80/20 & \text{or} & 90/10 \\ P_s = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right) & \text{or} & P_s = 90 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right) \end{array}$$

Where

- P_s = Points scored for price of tender under consideration
 P_t = Price of tender under consideration
 P_{max} = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
GOAL 1 - Ownership – Maximum points	10	
Business who are 51% or more owned by black person	3	
Business owned less than 51% by black person	1	
Business who are 51% or more owned by black women	3	
Business owned less than 51% by black women	1	
Business who are 51% or more owned by black youth.	2	
Business owned less than 51% by black youth	1	
Business owned 51% or more by disabled person	2	
GOAL 2 – RDP – Maximum points	10	
Business falls under the SMME category – EME	3	
Promotion of business located within KZN Province	4	
Promotion of business located in South Africa outside KZN Province	3	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM [TICK APPLICABLE BOX]

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

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

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

SURNAME AND NAME.....

DATE:

ADDRESS:

.....

.....

.....

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <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)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <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 <input type="checkbox"/>	No <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 <input type="checkbox"/>	No <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 <input type="checkbox"/>	No <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

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:

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 consortium³ 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.

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

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Date

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Position

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Name of Bidder