



## FETAKGOMO TUBATSE LOCAL MUNICIPALITY

**PUBLIC NOTICE: FTLM 004/2019/20**

**IN TERMS OF FETAKGOMO TUBATSE LOCAL MUNICIPALITY SUPPLY CHAIN MANAGEMENT POLICY, QUOTATIONS ARE HEREBY INVITED FROM ELIGIBLE AND INTERESTED COMPANIES TO PROCURE PERSONAL PROTECTIVE CLOTHING (PPE/C)**

**NB: ONLY SERVICE PROVIDERS WHO ARE REGISTERED ON THE CENTRAL SUPPLIER DATABASE WILL BE CONSIDERED**

Item no	Description :	Quantity
1.	Work suit (reflective khaki)	59
2.	Safety shoes (Brown SABS approved)	59
3.	Helmet (White SABS Approved)	100
4.	Earplugs	Box of 100 x2
5.	Dust masks	Box of 100 x2
6.	Hand gloves	Box of 100 x2
7.	Safety Sox	59 Pairs
8.	Goggles ( clear ones)	100

- N.B Municipal logo with embroidery and at the back of the suit write the unit name (e.g. Municipal Asset, Electrical unit, registry, etc.)

Completed quotations must be placed in a sealed envelope and marked (Request for quotations- **PROCUREMENT OF PERSONAL PROTECTIVE CLOTHING (PPE/C)**) Quotations must be deposited in a tender box at first floor next to reception at Fetakgomo Tubatse Local Municipality's Civic Centre Burgersfort and stand no 1 Mashung Ga-kwana. A compulsory briefing will take place on 22 August 2019, Burgersfort civic Centre (municipal Building) at 14H00 and 10H00 at Mashung Apel Ga-Nkwana Regional office. Closing date is on 27 August 2019 at 12H00, for further information contact SCM officials at 013 231 1231/1072 or Mr. Makwane at 013 231-1000/1148.

### **FAILURE TO SUBMIT THE FOLLOWING DOCUMENTS WILL LEAD TO DISQUALIFICATION:**

- The Quotation must indicate the following: Company tax registration, company registration number, contact/s number and address (the address on the quotation must match the one on the sworn affidavit).
- Compliant tax status (will be confirmed on the CSD report which will be generated by the municipality upon evaluation)
- Tax invoice/statement as proof of updated municipal rates and taxes for the company/business as well as directors/members/shareholders. If staying in a non-rateable area, please attach original SAPS affidavit for the company and directors. If you are renting, attach a copy of the lease agreement plus affidavit stating such arrangement. **If you are residing in someone's property, please submit a SAPS affidavit stating such arrangement.**
- Completion of MBD forms(4,8 & 9), (copies of completed forms are not acceptable and make sure that all forms are attached)

#### HEAD OFFICE


TKasiana Sasel | P.O. Box 206, Burgersfort 1150  
Tel: +27 13 231 1000 | Fax: +27 13 231 1167

#### REGIONAL OFFICE

Stand No. 1, Mashung Ga Nkwana, 12 @ Box 818, Apel 0259  
Tel: +27 15 622 3000 | Fax: +27 15 622 3026

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- Original or originally certified copies of BBBEE certificate(from SANAS accredited agencies) or original sworn affidavit (for points allocation)
- Price quoted must be firm and inclusive of Vat and other contingencies if registered as a vat vendor.
- No faxed, emailed or late bids shall be accepted

  
\_\_\_\_\_  
Acting Municipal Manager  
Magooa RM

16/08/2019  
Date

**HEAD OFFICE**

EKasimulo Shaka P.O. Box 206, Burgerfontein 1150  
Tel: +27 15 231 1000 FAX: +27 15 231 7167

**REGIONAL OFFICE**

Sizwelele T. Mkhomo Gqeberha P.O. Box 818, April 60210  
Tel: +27 15 622 8000 FAX: +27 15 622 8026

FETAKGOMO TUBATSE  
LOCAL MUNICIPALITY

MBD 4

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
1. 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, shareholder<sup>2</sup>):.....

3.4 Company Registration Number: .....

3.5 Tax Reference Number:.....

3.6 VAT Registration Number: .....

3.7 The names of all directors / trustees / shareholders 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. ....

.....

<sup>1</sup>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.

<sup>2</sup> 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 Number

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

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

## 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	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		

### HEAD OFFICE

1 Kastania Street | P.O. Box 200, Burgersfort, 1130  
Tel: +27 13 231 1000 | Fax: +27 13 231 7467

### REGIONAL OFFICE

Stand No. 1, Mashungu, Ga-Mphahla | P.O. Box 818, Apel, 0739  
Tel: +27 15 622 8000 | FAX: +27 15 622 8026

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:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
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

### HEAD OFFICE

*1 Kastania Street | P.O. Box 206, Burgersfort, 1150  
Tel: +27 15 231 1000 | Fax: +27 15 231 7467*

### REGIONAL OFFICE

*Stand No. 1, Mashung, Ga-Nkayana | P.O. Box 818, Apel, 0739  
Tel: +27 15 622 8000 | FAX: +27 15 622 8026*

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

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

**HEAD OFFICE**

1 Kastania Street | P.O. Box 206, Burgersfort, 1150  
Tel: +27 13 231 1000 | Fax: +27 13 231 5167

**REGIONAL OFFICE**

Stand No. 1, Mashungu, Ga-Mkwana | P.O. Box 818, Apel, 0739  
Tel: +27 15 622 8000 | FAX: +27 15 622 8026



**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<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>a</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

**HEAD OFFICE**

1 Kastania Street | P.O. Box 206 | Burgersfort, 1130  
Tel: +27 15 231 1000 | Fax: +27 15 231 7467

**REGIONAL OFFICE**

Stand No. 1, Mashung, Gja-Nlayana | P.O. Box 818, Apel, 0239  
Tel: +27 15 622 8000 | FAX: +27 15 622 8026