

|                                                                                                                                                                                                                |                                                               |  |                                |        |
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| <br><b>DURBAN ICC</b><br><small>INTERNATIONAL CONVENTION CENTRE<br/>INKOSI ALBERT LUTHULI ICC COMPLEX<br/>SOUTH AFRICA</small> | ISO Management System                                         |  | Approval                       |        |
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## REQUEST FOR QUOTATION – CUL 08/2025

### SUPPLY AND DELIVERY OF AN ELECTRIC JACK BOILER PAN FOR THE DURBAN ICC (ONCE OFF)

#### 1. Background

The Durban International Convention Centre (Durban ICC) is a world-class events venue that prides itself on delivering exceptional culinary experiences for international and local events. To maintain high-quality food production standards and ensure operational efficiency in our kitchen facilities, the Durban ICC seeks to procure a robust and high-performance Electric Jack Boiler Pan. This acquisition will support our catering operations by enabling large-scale food preparation in a safe, efficient, and hygienic manner.

#### 2. Legislation

This quotation will be evaluated on administrative compliance, mandatory requirements, price and preference points in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Policy Framework Act (No 5 of 2000) and Preferential Procurement Regulations of 2022 where 80/20 points system will be applied wherein 80 points are for price and 20 for specific goals and for this purpose the enclosed forms must be scrutinized, completed and submitted together with your detailed quotation.

#### 3. Purpose

The purpose of this RFQ is to invite suitably experienced suppliers to submit quotations for the supply and delivery of an Electric Jack Boiler Pan. The equipment must be durable, easy to maintain, and suitable for high-volume catering operations in a commercial kitchen environment.

#### 4. Mandatory Requirements

| Does the service provider comply with the mandatory requirements?<br>Please acknowledge as illustrated.                                                | Yes                      | No       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|----------|
|                                                                                                                                                        | <input type="checkbox"/> | <b>X</b> |
| • Must have experience with the supply and delivery of Commercial Culinary equipment. Please attach two (2) positive references from clients serviced. |                          |          |
| • A minimum of a one (01) year guarantee must be supplied with all equipment (Attach proof of guarantee)                                               |                          |          |

**Please Note:** Failure to meet all of the stipulated mandatory requirements will result in the service provider being deemed non-responsive and will not be considered for state two of the evaluation. The bidder must complete the final column above stating whether they can complete the task or not.

|                                                                                                                                                                                                                |                                                               |  |                                |        |
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## 5. Two Stage evaluation process

Stage 1: Bid submissions will be evaluated based on compliance with mandatory requirements detailed above

Stage 2: Price and Preference

The procedure for the evaluation of responsive tenderer is **PRICE AND PREFERENCE** in accordance with the Entity's current SCM Policy, the Preferential Procurement Policy Framework Act (5 of 2000), and the Preferential Procurement Policy Framework Act Regulations (2022).

The **80/20** preference points system will be applied. The Formula used to calculate the **Price Points (max. 80)** will be according to that specified Regulation 4.1.

### Preference Point System and Specific Goals

**The definitions as per the SCM Policy are applicable.**

Preference Points (either 20 or 10) will be derived from points claimed on Returnable Document **MBD 6.1: "Preference Points Claim Form"** (in Section 4 of this procurement document) for the **Specific Goal(s)** as indicated on the table(s) below, and according to the specified **Goal Weightings**.

Should the municipal entity apply a combination of specific goals, the points for the individual goals will be weighted according to the goal weightings specified in the bid document to arrive at the final points for Preferential Points for Specific Goals.

|                                                                                                                                                                                                                |                                                               |  |                                |        |
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**RDP Goal: The promotion of South African owned enterprises**

The tendering entity's **Address** (as stated on the National Treasury Central Supplier Database (CSD) or on the eThekweni Municipality Vendor Portal) is to be used in the determination of the tenderer's claim for **Preference Points** for this Specific Goal.

| <b>Specific Goal: Promotion of South African owned enterprises</b> |                        | <b>80/20</b> |
|--------------------------------------------------------------------|------------------------|--------------|
| South African, Provincial and Locally Owned Enterprises            | Not in South Africa    | 0            |
|                                                                    | South Africa           | 5            |
|                                                                    | KZN                    | 10           |
|                                                                    | eThekweni Municipality | 20           |

**Proof of claim as declared on MBD 6.1 CSD report**

**6. Specifications and Mandatory Scope of Supply /Services**

While the components listed below are indicative of the required specifications, equivalent alternatives may be proposed, provided they meet or exceed the functional requirements

| <b>Does the service provider comply with the mandatory scope of works?<br/>Please acknowledge as illustrated</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | <b>Yes</b>               | <b>No</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------|-----------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  | <input type="checkbox"/> | <b>X</b>  |
| The Electric Jack Boiler Pan must meet or exceed the following minimum specifications: <ul style="list-style-type: none"> <li>• Stainless steel body construction</li> <li>• Ergonomic design with adjustable legs</li> <li>• Quick and easy cleaning features</li> <li>• Heavy-duty durability for commercial use</li> <li>• Water inlet and drain taps located on front panel</li> <li>• Direct or indirect heating system</li> <li>• Safety thermostat</li> <li>• Safety discharge valve</li> <li>• Operating temperature range: 0 – 180 °C</li> <li>• Dimensions: L800 x D900 x H900 mm</li> <li>• Power: 20 kW</li> <li>• Weight: 185 kg</li> <li>• Volume: 1.05 m<sup>3</sup></li> <li>• Electrical connection: 230V 1N PE</li> <li>• Capacity: 150 litres</li> </ul> |  |                          |           |
| The units must comply with South African safety and electrical standards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |                          |           |
| Units must be brand new and factory-sealed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                          |           |
| The supplier must provide the user manuals.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                          |           |

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**7. Pricing Schedule (Official Offer Form)**

| Description (Once Off Costs)                                                                                                                                                        | R                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| Supply, installation and commissioning of the complete scope of work as illustrated in the "Specifications and Mandatory Scope of Supply/ Services" area as set out within this RFQ | R                         |
| Please state any additional costs:                                                                                                                                                  | R                         |
| ETA from date of official purchase order being issued from the Durban ICC                                                                                                           |                           |
|                                                                                                                                                                                     | Subtotal (VAT Excl.) R    |
|                                                                                                                                                                                     | VAT @ 15% R               |
|                                                                                                                                                                                     | Grand total (VAT Incl.) R |

|                                                                                                                                                                                                                |                                                               |  |                                |        |
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## 8. Preconditions

A written proposal/quotation will not be considered unless the service provider who submits the quotation provides the following with their proposal/quotation:

- 8.1 Full name
- 8.2 Identification or company or other registration number
- 8.3 Tax reference number and VAT number, if any
- 8.4 Valid original Tax clearance pin from South African Revenue Services which proves that the service provider's tax matters are in order
- 8.5 For construction contracts only those tenderers who are registered (as "Active") with the CIDB at time of tender closing in a contractor designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development
- 8.6 Valid BBBEE Certificate
- 8.7 MBD 4 Declaration of Interest form must be completed
- 8.8 MBD 6.1 Preference points claim must be completed
- 8.9 MBD8 Declaration of past supply chain management practices
- 8.10 MBD9 Certificate of Independent bid determination
- 8.11 Declaration of municipal fees
- 8.12 Declaration with respect to the Occupational Health and Safety Act
- 8.13 The service provider must be registered on the CSD database and EThekweni Vendor Portal. Proof of registration needs to be submitted. Failure to be registered on these databases will adversely affect the awarding process and may result in the service provider being deemed non-responsive.

**CSD registration website:** <https://secure.csd.gov.za>

**EThekweni Vendor Portal registration:** <https://ethekwinivendor.durban.gov.za>

Or contact 031 322 7011 / 7154

[Fatima.milazi@durban.gov.za](mailto:Fatima.milazi@durban.gov.za) / [phumla.mdabe@durban.gov.za](mailto:phumla.mdabe@durban.gov.za)

## 9. Terms and Conditions

- 9.1 The service provider will hereby quote to perform and complete all work required in this RFQ within the quoted amount. It will be deemed that they have checked all aspects of this work before quoting and therefore the price tendered should be inclusive of all required work.
- 9.2 The Durban ICC is entitled to cancel the Request for Quotation (RFQ) at any time before the issue of the award. The Durban ICC shall, in no way, be liable for any damages whatsoever, including, without limitation, damages for loss of profit, in any way connected with the cancellation of this Request for Quotation (RFQ).

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#### 10. Protection of Personal Information

- 10.1 By responding to this Request for quotation you hereby consent to the Durban ICC processing your personal information as defined in the Protection of Personal Information Act 4 of 2013 ("POPIA").
- 10.2 The Durban ICC shall take reasonable steps in terms of POPIA to protect the personal information supplied as part of this Request for quotation.

#### 11. Contact Person

Name: Clinton Bonhomme  
Tel: 031 360 1049  
Email: clintonb@icc.co.za

#### 12. Closing Date

Quotations/proposals, together with this document, marked for the attention of the Procurement Department and are to be placed in the Tender Box at the Durban ICC security entrance on the ground floor, 45 Bram Fischer Road Durban before **12:00 on 5<sup>th</sup> September 2025**.

#### 13. Past experience in similar assignments

| Assignment Description | Key Elements | Date Completed | Contact Person and Telephone Number | Assignment Value |
|------------------------|--------------|----------------|-------------------------------------|------------------|
|                        |              |                |                                     |                  |
|                        |              |                |                                     |                  |
|                        |              |                |                                     |                  |
|                        |              |                |                                     |                  |

I.....being duly authorized thereto by.....do hereby confirm that the information contained herein is true and correct and acknowledge that, should it be established that any of the information contained herein is false and incorrect, my company may be disqualified from quoting to the Durban ICC.

**Name:** (*Block Capitals*) \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_



|                                                                                                                                                                                                                |                                                               |  |                                |        |
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## 15. **MBD4 Declaration of Interest**

15.1 No bid will be accepted from persons in the service of the state<sup>1</sup>.

15.2 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.

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

15.3.1 Full name of bidder or his/her representative .....

15.3.2 Identity number: .....

15.3.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>):

.....

15.4.4 Company Registration Number: .....

15.4.5 Tax Reference Number: .....

15.4.6 VAT Registration Number: .....

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

### References:

<sup>1</sup> MSCM Regulations: "in the service of the *state*" means to be –

(a) a member of –

- any municipal council
- any provincial legislature
- 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;

(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.

|                                                                                                                                                                                                      |                                                       |                         |        |
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15.4.8 Are you presently in the service of the state?  
If yes, furnish particulars:

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

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15.4.9 Have you been in the service of the state for the past twelve months? If yes, furnish particulars:

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

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15.4.10 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?  
If yes, furnish particulars:

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

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15.4.11 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?  
If yes, furnish particulars:

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

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15.4.12 Are any of the company's directors, trustees, managers, principal shareholders or stakeholders in service of the state?  
If yes, furnish particulars:

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

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15.4.13 Is any spouse, child or parent of the company's directors, trustees, managers, principal shareholders or stakeholders in service of the state? If yes, furnish particulars:

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

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15.3.14 Do you or any of the directors, trustees, managers, principal shareholders or stakeholders of this company have any interest in any other company or business whether or not they are bidding for this contract? If yes, furnish particulars:

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

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**16. Full details of directors / trustees / members / shareholders**

| Full Name | Identity Number | State Employee No. |
|-----------|-----------------|--------------------|
|           |                 |                    |
|           |                 |                    |
|           |                 |                    |
|           |                 |                    |
|           |                 |                    |

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Capacity

\_\_\_\_\_  
Name of Bidder

|                                                                                                                                                                                                                |                                                               |  |                                |        |
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17.

**MBD 6.1: PREFERENCE POINTS CLAIM**  
**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, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022**

**1.0 GENERAL CONDITIONS**

1.1 The following preference point system is 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).

1.2 **The 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the applicable system once tenders are received.

1.3 Preference Points for this tender shall be awarded for:

- **Price and Specific Goals:** 80 (price) and 20 (specific goals), in terms of 1.2 above.
- The total Preference Points, for Price and Specific Goals, is 100.

1.4 Failure on the part of the bidder to submit the required proof or documentation, in terms of the requirements in the (Special) Conditions of Tender for claiming **Specific Goal** preference points, will be interpreted that preference points for **Specific Goals** are not claimed.

1.5 The Durban ICC reserves the right to require of a bidder, either before evaluation or at any time subsequently, to substantiate any claim in regard of preferences, in any manner required by the entity.

**2.0 DEFINITIONS**

2.3 “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes.

2.4 “**tender for income-generating contracts**” means a written offer in the form determined by Municipality 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 Municipality and a third party that produces revenue for the Municipality, 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.

2.5 “**the Act**” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

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### 3.0 FORMULA FOR CALCULATION OF PREFERENCE PRICE POINTS

#### 3.1 PROCUREMENT OF GOODS AND SERVICES

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

|                                                     |           |                                                     |
|-----------------------------------------------------|-----------|-----------------------------------------------------|
| <b><u>80 / 20 Points System</u></b>                 | <b>OR</b> | <b><u>90 / 10 Points System</u></b>                 |
| $Ps = 80 \left( 1 - \frac{Pt - Pmin}{Pmin} \right)$ |           | $Ps = 90 \left( 1 - \frac{Pt - Pmin}{Pmin} \right)$ |

Where:

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

#### 4.0 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 request for tender. For the purposes of this tender the tenderer will be allocated points based on the **points claimed** for the goal(s) stated in **Table 1** below, as supported by proof submitted.
- 4.2 In cases where the municipality intends 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, the municipality 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 municipality must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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**TABLE 1:** Specific Goals for the tender and maximum points for each goal are indicated per the table below.

**Tenderers are to indicate their points claim for each of the Specific Goals in the shaded blocks.**

| The Specific Goals to be allocated points in terms of this tender  | Maximum Number of points ALLOCATED (80/20 system) | Maximum Number of points ALLOCATED (90/10 system) | Number of points CLAIMED (80/20 system) | Number of points CLAIMED (90/10 system) |
|--------------------------------------------------------------------|---------------------------------------------------|---------------------------------------------------|-----------------------------------------|-----------------------------------------|
| <b>RDP Goal:</b> The promotion of South African owned enterprises. | 20                                                | n/a                                               |                                         | n/a                                     |
| <b>Total CLAIMED Points (20 Maximum)</b>                           |                                                   |                                                   |                                         | n/a                                     |

|                                                                                                                                                                                                                |                                                               |  |                                |        |
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I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, certify that the points claimed, based on the specific goals as specified in the tender, qualifies the tendering entity for the preference(s) shown.

I acknowledge that:

- 1) The information furnished is true and correct.
- 2) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- 3) 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.
- 4) 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.

**Date**

**NAME (Block  
Capitals):**

**SIGNATURE:**

|                                                                                                                                                                                                                  |                                                               |  |                                |        |
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| <br><b>DURBAN ICC</b><br><small>INTERNATIONAL CONVENTION CENTRE<br/> INKOSI ALBERT LUTHULI ICC COMPLEX<br/> SOUTH AFRICA</small> | ISO Management System                                         |  | Approval                       |        |
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## 20. AUTHORITY OF SIGNATORY

Indicate the status of the tenderer by ticking the appropriate box hereunder.

|                                          |  |                   |  |             |  |               |  |                 |  |
|------------------------------------------|--|-------------------|--|-------------|--|---------------|--|-----------------|--|
| COMPANY                                  |  | CLOSE CORPORATION |  | PARTNERSHIP |  | JOINT VENTURE |  | SOLE PROPRIETOR |  |
| Refer to Notes at the bottom of the page |  |                   |  |             |  |               |  |                 |  |

I / We, the undersigned, being the Chairperson (Company), Member(s) (Close Corporation), Partners (Partnership), Sole Owner (Sole Proprietor), Lead Partner (JV), in the company / business trading as:

.....

hereby authorise Mr/Mrs/Ms .....

acting in the capacity of .....

to sign all documents in connection with the tender for Contract No. **CUL 08/2025** and any contract resulting from it on our behalf.

| NAME | ADDRESS | SIGNATURE | DATE |
|------|---------|-----------|------|
|      |         |           |      |
|      |         |           |      |
|      |         |           |      |
|      |         |           |      |
|      |         |           |      |
|      |         |           |      |
|      |         |           |      |

### Notes

**Tenderers are to include, at the back of their tender submission document, a printout of the following documents:**

If a Company : a "Resolution of the Board" in this regard.

If a Joint Venture : a "Power of Attorney" signed by the legally authorised signatories of all the partners to the Joint venture.

|                                                                                                                                                                                                                |                                                       |  |                         |        |
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## 21. TAX COMPLIANCE STATUS PIN / TAX CLEARANCE CERTIFICATE

SARS has introduced a new Tax Compliance Status System. Tenderers can submit a Tax Compliance Status PIN (TCS PIN) instead of an original Tax Clearance Certificate. This TCS PIN can be used by third parties to certify the taxpayer's real-time compliance status.

Separate Tax Clearance Certificates / TCS PINs are required for each entity in a Joint Venture.

**Tenderers are to include, at the back of their tender submission document, a printout of their Tax Compliance Status PIN (TCS PIN) OR an original Tax Clearance Certificate.**

**Failure to include the required document will make the tender submission non-responsive.**

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, Confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, **and that the requested documentation has been included in the tender submission.***

NAME

Date

(Block Capitals):

SIGNATURE:

|                                                                                                                                                                                                                                            |                                                                     |  |                                |        |
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| <br><b>DURBAN ICC</b><br><small>INTERNATIONAL CONVENTION CENTRE</small><br><small>INKOSI ALBERT LUTHULI ICC COMPLEX</small><br><small>SOUTH AFRICA</small> | ISO Management System                                               |  | Approval                       |        |
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## **22. DECLARATION WITH RESPECT TO THE OCCUPATIONAL HEALTH AND SAFETY ACT**

### **Definitions**

The Act: The Occupational Health and Safety Act No 85 of 1993 (as amended by the Occupational Health and Safety Amendment Act No 181 of 1993), and any associated / applicable Regulations.

### **Declaration by Tenderer**

1. I, the undersigned, hereby declare and confirm that I am fully conversant with the Act.
2. I hereby declare that my company has the competence and the necessary resources to safely carry out the work / supply / services under this contract in compliance with the Act, and the Employer's / Purchaser's / Client's Health and Safety Specifications.
3. I hereby undertake, if my tender is accepted, to provide on request a suitable and sufficiently documented Health and Safety Plan which plan shall be subject to approval by the Employer / Purchaser / Client.
4. I hereby confirm that adequate provision has been made in my tendered rates to cover the cost of all resources, actions, training and all health and safety measures envisaged in the Act, and that I will be liable for any penalties that may be applied by the Employer / Purchaser / Client for failure to comply with the provisions of the Act.
5. I agree that my failure to complete and execute this declaration to the satisfaction of the Employer / Purchaser / Client will mean that I am unable to comply with the requirements of the Act and accept that my tender will be prejudiced and may be rejected at the discretion of the Employer / Purchaser / Client.

**NAME**

**Date**

**(Block Capitals):**

**SIGNATURE:**

.....

.....

.....

|                                                                                                                                                                                                      |                                                               |  |                                |        |
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|  <p><b>DURBAN ICC</b><br/>INTERNATIONAL CONVENTION CENTRE<br/>INKOSI ALBERT LUTHULI ICC COMPLEX<br/>SOUTH AFRICA</p> | ISO Management System                                         |  | Approval                       |        |
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### 23. MBD 8: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1.0 This Municipal Bidding Document must form part of all bids invited.
- 2.0 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.
- 3.0 The bid of any bidder may be rejected if that bidder, or any of its directors have:
- abused the 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.
  - wilfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years.
  - 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).
- 4.0 In order to give effect to the above, the following questions must be completed and submitted with the bid.

- 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 audi alteram partem rule was applied.)

The Database of Restricted Suppliers now resides on the National Treasury's website ([www.treasury.gov.za](http://www.treasury.gov.za)) and can be accessed by clicking on its link at the bottom of the home page.

- 4.1.1 If YES, provide 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](http://www.treasury.gov.za)) by clicking on its link at the bottom of the home page.

- 4.2.1 If YES, provide particulars.

.....

.....

| Circle Applicable |    |
|-------------------|----|
| YES               | NO |

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

|                                                                                                                                                                                                      |                                                       |                         |        |
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4.3.1 If YES, provide particulars.

.....

.....

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 | NO |
|-----|----|

4.4.1 If YES, provide 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 | NO |
|-----|----|

4.5.1 If YES, provide particulars.

.....

.....

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both 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.*

NAME (Block Capitals):

Date

.....

SIGNATURE:

.....

|                                                                                                                                                                                                                |                                                               |  |                                |        |
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## 24. MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

### NOTES

- <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.
- <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.

- 1.0 This Municipal Bidding Document (MBD) must form part of all **bids**<sup>1</sup> invited.
- 2.0 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.
- 3.0 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:
- take all reasonable steps to prevent such abuse;
  - 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
  - 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.
- 4.0 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**.
- 5.0 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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| <br><b>DURBAN ICC</b><br><small>INTERNATIONAL CONVENTION CENTRE</small><br><small>INKOSI ALBERT LUTHULI ICC COMPLEX</small><br><small>SOUTH AFRICA</small> | ISO Management System                                               |  | Approval                       |        |
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### **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:

-----  
(Name of Bidder)

that:

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.
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder.

|                                                                                                                                                                                                                                            |                                                       |  |                         |        |
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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.
  - (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.
  
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.

**NAME (Block Capitals):**

**Date**

**SIGNATURE:**