REQUEST FOR QUOTATION – OPS 16/2025

SANITARY HYGIENE SERVICES FOR A PERIOD OF TWELVE (12) MONTHS

1. Background

The Durban ICC is one of the most advanced conferencing facilities in the world, having been voted Africa's Leading Conference Centre by World Travel Awards for 21 years. The Centre is graded 5-star by the South African Tourism Grading Council. It has also obtained certification from the International Organisation for Standardisation; in ISO 9001 (Quality Management), ISO 14001 (Environmental Management), ISO 22000 (Food Safety) and ISO 45001 (Occupational Health and Safety).

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 Durban ICC requires a service provider for the provision of Sanitary Hygiene Services, for a period of 12 months.

4. Mandatory Requirements

Does the service provider comply with the minimum requirements? Please acknowledge as illustrated	Yes ✔	No X
• The service provider must have at least 3 years requisite experience providing sanitary hygiene services to entities. Please attach 2 positive references from clients serviced.		
• The service provider must ensure compliance with the Occupational Health & Safety Act, 85 of 1993 and The National Environmental Management: Waste Act, 59 of 2008. Please attach certificate which confirms safe removal and disposal of feminine waste.		
• The service provider must pay their staff in accordance with the sectorial determination for the Contract Cleaning Sector as governed by the Department of Labour. Please attach proof of Bargaining Council registration. BCCI (Bargaining Council Contract Cleaning Services Industries)		
• The awarded supplier is required to enter into a binding contractual agreement with the Durban ICC, which is to be drafted by the Durban ICC on its required terms and conditions		

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.*

NB: *Durban ICC agree that they will comply with Protection of Personal Information (POPI) Act regulations and process all the information and/or personal data in respect of the services being rendered in accordance with the said regulation and only for the purpose of providing the Services set out in the agreement to provide services.*

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"** 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.

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 eThekwini Municipality Vendor Portal) is to be used in the determination of the tenderer's claim for **Preference Points** for this Specific Goal.

Goal weighting 100 %		
Specific Goal: Promotion of South African owned enterprises	**Criteria**	**80/20**
South African, Provincial and Locally Owned Enterprises	Not in South Africa	0
	South Africa	5
	KZN	10
	EThekwini Municipality	20

Proof of claim as declared on MBD 6.1(The following will be used to verify the bidder's status):

- **CSD report**

6. Scope of Supply /Services

The scope of works (but not limited to) are, as follows:

Weekly:

- Upliftment of contaminated waste and clean all SHE bins twice per week.
- Provide perfumed plastic bin liners

7. Pricing Schedule (Official Offer Form)

Bidders would be precluded from this Request for Quotation should their pricing structure deviate from the official pricing schedule contained in the RFQ advertisement.

Item	Description	Rental Cost per unit	Rental Cost per unit	Total (est. quantity x cost per unit)
1	Air freshener automatic dispenser rental (500ml or more)	100 units	R	R
2	Twice a week sanitary waste uplift, and disposal service	180	R	R
3	Comprehensive monthly deep cleaning service, including all chemicals and cleaning consumables for SHE Bins.	180	R	R
4	Please state any additional monthly costs for the purposes of transparency		R	R
5			R	R
…..				R
			TOTAL EXCLUDING VAT	R
			VAT @ 15%	R
			TOTAL INCLUDING VAT	R

Grand total (total monthly cost VAT incl. x 12 months)	R

8. Preconditions

A written quotation will not be considered unless the service provider who submits the quotation provides the following with their 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 Regulations for a CE class of construction work, are eligible to have their tenders evaluated.
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 must be completed
8.10 MBD9 Certificate of Independent bid determination must be completed
8.11 Declaration of municipal fees must be completed.
8.12 Declaration with respect to the Occupational Health and Safety Act must be completed.
8.13 The service provider must be registered on the CSD database and EThekwini 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.
8.14 The estimated quantities are set out in the pricing schedule which forms part of the official tender documents. The quantities are stated purely for the information of the bidder and are necessary to ascertain an estimated total contract price. Post award, the appointed bidder will however, be bound to supply the quantity/quantities the entity may actually require which may exceed or be less than the estimated quantities stated.
8.15

CSD registration website: https://secure.csd.gov.za

EThekwini Vendor Portal registration: https://ethekwinivendor.durban.gov.za

Or contact 031 322 7011 / 7154

Fatima.milazi@durban.gov.za / 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) .

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: Ntombifuthi Khowa – Housekeeping Manager
Tel: 031 360 1124
Email: ntombifuthk@icc.co.za

12. Closing Date

All bid submissions must be enclosed in a sealed envelope for the attention of the Procurement Department clearly marked with the RFQ/RFP reference number together with the description of the bid. These submissions 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 13th November 2026.** Submissions that are not sealed or not clearly marked as required, may be rejected.

13. Past experience in similar assignments

Bidder name : _____

Contact person : _____ **Telephone and email:** _____

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:** _____

14. Declaration of Municipals Fees

I, the undersigned, do hereby declare that the Municipal fees of

.....
(Full name of Company / Close Corporation / partnership / sole proprietary/Joint Venture)

(hereinafter referred to as the TENDERER) are, as at the date hereunder, fully paid or an Acknowledgement of Debt has been concluded with the Municipality to pay the said charges in instalments.

The following account details relate to property of the said TENDERER:

Account	Account Number: to be completed by tenderer.
Consolidated Account No.	
Electricity	
Water	
Rates	
Other	
Other	

I acknowledge that should the aforesaid Municipal charges fall into arrears, the Municipality may take such remedial action as is required, including termination of any contract, and any payments due to the service provider by the Municipality shall be first set off against such arrears.

- Where the TENDERER'S place of business or business interests are outside the jurisdiction of eThekwini Municipality, a copy of the accounts/agreements from the relevant municipality must be attached (to the back inside cover of this document).
- Where the tenderer's Municipal Accounts are part of their lease agreement, then a copy of the agreement, or official letter to that effect is to be attached (to the back inside cover of this document).

NAME ..... (Block Capitals
SIGNATURE : ……..…….…. DATE: .....

(of person authorised to sign on behalf of the Tenderer)

15. MBD4 Declaration of Interest

15.1 No bid will be accepted from persons in the service of the state[1].

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[2]):

……

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:

[1] 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.

[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.

15.4.8	Are you presently in the service of the state? If yes, furnish particulars:	**YES**	**NO**
15.4.9	Have you been in the service of the state for the past twelve months? If yes, furnish particulars:	**YES**	**NO**
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**
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**
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**
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**
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**

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

Full Name	Identity Number	State Employee No.

Signature **Date**

Capacity **Name of Bidder**

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).

3.0 FORMULA FOR CALCULATION OF PREFERENCE PRICE POINTS

3.1 PROCUREMENT OF GOODS AND SERVICES

GOODS and SERVICES

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

80 / 20 Points System **OR** **90 / 10 Points System**

$$Ps = 80\left(1 - \frac{Pt - Pmin}{Pmin}\right) \qquad Ps = 90\left(1 - \frac{Pt - Pmin}{Pmin}\right)$$

Where:

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

INCOME-GENERATING CONTRACTS

The financial offer will be scored using the formula: **Ps =** $\left(1 + \frac{Pt - Pmax}{Pmax}\right)$

Where:

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest 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.

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)
RDP Goal: The promotion of South African owned enterprises.	20	n/a		n/a
Total CLAIMED Points (20 Maximum)				n/a

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: ---------- ----------

18. 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. **OPS 16/2026** 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.

19. 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

(Block Capitals): .....

SIGNATURE: ----------

Date ----------

20. 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

(Block Capitals): .....

SIGNATURE: .....

Date .....

21. 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:

a) abused the 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) wilfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years.
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).

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

	Circle Applicable	
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) and can be accessed by clicking on its link at the bottom of the home page.	YES	NO

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) by clicking on its link at the bottom of the home page.	YES	NO

4.2.1 If YES, provide particulars.

……

……

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:

22. MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

NOTES

[1] Includes price quotations/ proposals , 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.

[3] Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

1.0 This Municipal Bidding Document (MBD) must form part of all **bids**[1] 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**).[2] 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:

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.

4.0 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.

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.

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement, or arrangement with any competitor. However, communication between partners in a joint venture or consortium[3] will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
   (a) prices.
   (b) geographical area where product or service will be rendered (market allocation).
   (c) methods, factors or formulas used to calculate prices.
   (d) the intention or decision to submit or not to submit, a bid.
   (e) the submission of a bid which does not meet the specifications and conditions of the bid.
   (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: