CITY OF TSHWANE
IGNITING EXCELLENCE

**CITY OF TSHWANE METROPOLITAN MUNICIPALITY**

**RE-ADVERTISEMENT: QUOTATION FOR THE PROCUREMENT OF PROTECTION OFFICERS, COUNCIL ORDERLIES AND REQUIRED EQUIPMENT FOR COUNCIL MEETINGS**

**QUOTATION NO: Q18-02-2026-27**

**NAME OF BIDDER: ……..**

**CSD NUMBER: …….**

**VENDOR NUMBER …….**
**(Compulsory)**

Prepared by:
City of Tshwane
Metropolitan Municipality
Tshwane House
320 Madiba Street
PRETORIA
0001
Tel: (012) 358 9999

| | |
|---|---|
| **CLOSING DATE** | **20 NOVEMBER 2026** |

Only bidders registered on the central supplier database and with CSD Number will be considered for this tender as it is a requirement from National Treasury.

CITY OF TSHWANE

METROPOLITAN MUNICIPALITY

DEPARTMENT: OFFICE OF THE SPEAKER

**BIDS ARE HEREBY INVITED FROM SUPPLIERS FOR THE FOLLOWING BID:**

| Bid No | Description | Dept. | Contact Officials | Compulsory Briefing Session | Closing date |
|---|---|---|---|---|---|
| Q18-02-2026-27 | **RE-ADVERTISEMENT: QUOTATION FOR THE PROCUREMENT OF PROTECTION OFFICERS, COUNCIL ORDERLIES AND REQUIRED EQUIPMENT FOR COUNCIL MEETINGS** | OS | Josia Masenya<br>(012) 358 0658<br>josiasma@tshwane.gov.za<br>Samuel Vis<br>(012) 358 1420<br>SamuelVi@tshwane.gov.za | **N/A** | 20 November 2026 at 10:00 |

**The City of Tshwane is migrating to an e-tender portal.**

**An e-tender portal is an online publication platform that enables access and response to bid opportunities published by the City of Tshwane. The portal enables interested bidders to download bid documents and respond to the bid through online submission at their convenience before the closing time no later than**

**Bidders should therefore not deposit their bid responses in the tender box but respond to the bid on the online platform not later than 10:00 on the 20 November 2026.**

**Technical enquiries: Samuel Vis at (012) 358 1420 or SamuelVi@tshwane.gov.za**

**Supply Chain enquiries: Josia Masenya at (012) 358 0658 or josiasma@tshwane.gov.za**

**Bids will remain valid for a period of 90 days after the closing date**

- Received after the closing date and time will not be considered. CoT does not bind itself to accept the lowest or any other bid in whole or in part
- Bid documents must be completed using a black pen (not re-typed or scanned)
- Mistakes made on the price schedule must be crossed out in ink and each price alteration must be initialled.
- Price corrections may not be made with correction fluid, such as Tippex or a similar product.
- If correction fluid was used on any specific item price, such an item will not be considered. No correction fluid may be used on a bill of quantities where prices are calculated to arrive at a total amount. If correction fluid was used, the quotation as a whole will be repudiated.
- The Municipality will reject the quotation if corrections are not made in accordance with the above.

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| **LIST OF RETURNABLE DOCUMENTS THAT SHOULD FORM PART OF BID DOCUMENT** | | | |
| **9** | **Company Registration Certificate** | | |
| **10.** | **Tax Clearance Certificate or Unique Pin** | | |
| **11.** | **BBBEE Certificate** | | |
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| | | | |

**DEPARTMENT: OFFICE OF THE SPEAKER**

**BID NAME**

**RE-ADVERTISEMENT: QUOTATION FOR THE PROCUREMENT OF PROTECTION OFFICERS, COUNCIL ORDERLIES AND REQUIRED EQUIPMENT FOR COUNCIL MEETINGS**

**BID NUMBER**

**Q18-02-2026-27**

## 1. BACKROUND

The Office of the Speaker is established and derives its powers/mandate from the Cooperate systems delegation, Governance model and Municipal Structures Act. The Office of the Speaker plays a coordination and management role for the council. The City of Tshwane amongst others, oversees and coordinates council and its committees and mandated to play Oversight on the executive and administration of departments in terms of the relevant legislation.

Its core mandate is to;

- Manage public participation through ward committees, stakeholder forums, petition processes, by-laws, etc., and enhancing the public participation role of the Speaker
- Providing effective strategic support to the units in the Speaker's office to enhance the role of the Speaker
- The Office of the Speaker has a mandate to facilitate community participation within the programs of the City through public participation, imbizos' and other stakeholder engagement forums identified by the city or any legislative or governance bodies.
- It aims to promote an interface between the City and the Community.
- The Office of the Speaker has been tasked with meeting the above objectives, the office needs to fulfil its public participation mandate by holding various relevant and necessary stakeholder meetings to promote active citizenry and address community concerns. We are also tasked to hold engagement sessions with traditional leaders on a quarterly basis.
- To involve the community in the affairs of the Municipality in terms of sections 16 and 17 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)
- To communicate information concerning community participation in terms of section 18 of the Municipal Systems Act, 2000
- Council Resolution dated 25 April 2017
- To conduct orderly meetings of the City Council and Section 79 Committees : City of Tshwane Rules and Orders By-Laws, 2012
- To communicate information concerning community participation in terms of section 18 of the Municipal Systems Act, 2000
- Council Resolution dated 25 April 2017
- To conduct orderly meetings of the City Council and Section 79 Committees: City of Tshwane Rules and Orders By-Laws, 2012

**Key performance areas**

- Petition, memorandums and public-hearing affairs
- Public information and awareness services
- Policy development, implementation and research
- Resolution tracking and monitoring
- Council committees, rules and orders oversight
- Ward Committee secretariat services
- Section 79 Ad Hoc Committee secretariat services
- Council secretariat services
- Councilor support, auxiliary service and civic events
- Strategic planning and performance management
- Security and Protection of Council Meeting(s)

## 2. PURPOSE

The purpose of these Supply Chain Management specifications is to procure and appoint a suitably qualified service provider to provide specialised protection officers and the required operational equipment to maintain safety, security and order during Council proceedings.

## 3. SCOPE OF WORK SERVICES

**3.1** The appointed service provider shall provide suitably trained, competent and PSIRA-compliant Protection Officers (Council Orderlies), together with the required operational equipment, to support the Office of the Speaker during Ordinary, Special and Continuation Council meetings held within the City of Tshwane.

**3.2** The scope of services shall include, but not be limited to, the following:

(a) Provide trained and PSIRA-compliant Protection Officers for deployment during Council sittings.

(b) Deploy personnel at designated access control points at the Council Chamber, public gallery, and other areas as directed by the Office of the Speaker.

(c) Maintain safety, security and order during Council proceedings and protect councillors, officials, visitors and municipal assets.

(d) Respond to incidents of disorder, security threats and disruptions, including the lawful removal of disorderly persons on the instruction of the Speaker in accordance with the Rules and Orders By-law.

(e) Perform crowd management, conflict de-escalation and access control in accordance with applicable legislation and City policies.

(f) Submit written incident reports for all security-related incidents or as requested by the Office of the Speaker.

(g) Ensure all deployed personnel are properly uniformed, medically fit, suitably equipped with communication devices and remain on duty for the full duration of the deployment.

(h) Replace any officer who is absent or unable to perform the required duties at no additional cost to the City.

(i) Attend compulsory operational briefings and comply with all lawful instructions issued by the Office of the Speaker.

(j) Comply with all applicable legislation, PSIRA requirements, Occupational Health and Safety requirements, the City's security policies, and the Rules and Orders By-law.

## 4. DELIVERABLES

The appointed service provider shall:

- Supply the required number of Protection Officers for each Council sitting as requested by the City.
- Provide all operational equipment, including communication devices, required for service delivery.
- Ensure personnel remain available for the full duration of Council proceedings.
- Provide incident reports where applicable.
- Maintain service standards throughout the contract period.

### 4.1 SECTION ONE: APPROACH AND METHODOLOGY

This should cover:

1. The bidders understanding of the scope of work;
2. The proposed methodology and approach to be adopted in line with the bylaw and legislation.

### 4.2 SECTION THREE: ORGANISATION AND STAFFING

#### 4.2.1 Company Profile

Bidders must submit a comprehensive Company Profile, which must include:

- Company structure;
- Organogram clearly indicating management hierarchy and reporting lines.

#### 4.2.2. Personnel Plan

Bidders must submit a detailed Personnel Plan outlining the experience of key staff, personnel allocation, and their respective areas of responsibility.
The plan must include the following information for the team assigned to the City’s account:

- Organisational structure and reporting lines specific to this contract;
- Number of personnel to be deployed per assignment;
- On-site supervision and management structure;
- Contingency staff plan (to address absenteeism or emergencies);
- Full name and surname of each team member;
- Designation/Role (e.g. Supervisor, Team Leader, Security Officer);
- PSIRA registration number and grade;
- Relevant qualifications and certifications.

### 4.2.3 Dress Code

The appointed service provider must ensure that all deployed personnel adhere to the prescribed standard uniform as follows:

Male Council Protection Orderlies:
- White long-sleeve shirt;
- Black tie;
- Black blazer;
- Black trousers;
- Black shoes.

Female Council Protection Orderlies:
- White shirt;
- Black blazer;
- Black skirt or black trousers;
- Black shoes.

All personnel must present a professional, neat, and uniform appearance at all times during deployment.

## 5. SERVICE REQUIREMENTS

The CITY OF TSHWANE / OFFICE OF THE SPEAKER expects the successful bidder(s) to render the following services.

Bidders must clearly indicate the extent to which each requirement will be met and complied with.

### 5.1 General Specification: Council Protection Officers (Council Orderlies)

The successful bidder must provide:

**Twenty (20) Protection Officers**, consisting of:

- Fifteen (15) male officers;
- Five (5) female officers.

### 5.1.1 Technical Competencies

Deployed personnel must demonstrate the following technical competencies:

- **Security and Safety Protocols:**

  Proficiency in understanding and implementing security protocols to ensure the safety of Councilors, dignitaries, and officials during council meetings and events.

- **Conflict Resolution:**

Ability to address and manage conflicts or disputes during meetings while maintaining a peaceful and respectful environment.

- **Crowd Control Management:**

  Expertise in crowd control techniques to manage hostilities and prevent disruptions.

- **De-escalation Techniques:**

  Ability to de-escalate tense situations and defuse potentially volatile incidents as and when requested by the Speaker of Council.

- **Emergency Response:**

  Knowledge of emergency response procedures and the ability to act swiftly and decisively in the event of incidents during Council or related meetings.

- **Protocol and Etiquette:**

  Sound understanding of municipal protocols, legislative procedures, and official etiquette to ensure the orderly conduct of meetings.

- **Crisis Management:**

  Competence in handling crisis situations, including evacuation procedures and safeguarding participants.

- **Team Collaboration:**

  Ability to work collaboratively with security personnel, law enforcement agencies, and municipal officials to ensure overall security.

### 5.1.2 Behavioral Competencies

Personnel must demonstrate the following behavioral competencies:

- Professionalism in conduct, appearance, and communication;
- Adaptability to changing or unexpected circumstances;
- Calm and composed conflict management;
- Empathy while maintaining authority and decorum;
- Integrity and ethical conduct at all times;
- Leadership, particularly during emergency situations;
- Clear verbal and written communication skills;
- Teamwork and collaborative engagement;
- Customer service orientation and respect toward attendees and Councillors;
- Attention to detail;
- Sound decision-making and problem-solving skills;
- Resilience under pressure;
- Customer focus;

- Initiative in preventing security risks;
- Emotional intelligence;
- Effective time management.

### 5.2 Transport Services

The service provider must provide:

- Reliable company transport for the deployment and operational support of personnel.

### 5.3 Security Equipment

- The bidder must demonstrate availability and access to the necessary tools of trade required for the execution of the contract, including but not limited to:
  - Two-way radios and communication equipment;
  - Transport vehicles for deployment;
    Supervisory and reporting equipment.

### 5.4 CONDITIONS

5.4.1 The appointed service provider must comply with the following conditions:

- All deployed personnel must be South African citizens;
- Deployment of qualified security personnel who meet the prescribed individual standards;
- Appointment of a competent on-site Supervisor/Team Leader for each deployment;
- Personnel must possess recognised crowd control management certification;
- Ability to render services on an as-and-when-required basis, including evenings, weekends, and public holidays;
- Personnel must be proficient in English and at least one other official South African language;
- Personnel must maintain a high level of professionalism, neutrality, and presentable appearance at all times;
- Personnel must be physically fit, demonstrate situational awareness, and possess the ability to respond effectively to emergencies.

### 5.4.2 SAPS Police Clearance:

Valid SAPS Police Clearance Certificate (not older than 6 months)

## 6. STAGES OF EVALUATION

This bid will be evaluated in the following three (3) evaluation stages:

Stage 1: Administrative Compliance
Stage 2: Mandatory requirements
Stage 3: Preference Point System

## STAGE 1: ADMINISTRATIVE COMPLIANCE

All the bids will be evaluated against the administrative responsiveness requirements as set out in the table below.

| **Compulsory Returnable Documentation (Submission of these are compulsory)** | **Submitted (YES or NO)** | **Checklist (Guide for Bidder and the Bid Evaluation Committee)** |
|---|---|---|
| a) To enable The City to verify the bidder's tax compliance status, the bidder must provide;<br>• Tax compliance status PIN.<br>or<br>• Central Supplier Database (CSD) | | Tax status must be compliant before the award. |
| b) A copy of their Central Supplier Database (CSD) registration; or indicate their Master Registration Number / CSD Number; | | CSD must be valid. |
| c) Confirmation that the bidding company's municipal service charges, rates and taxes are up to date: Original or copy of Municipal Account Statement of the Bidder (bidding company) not older than 3 months and account must not be in arrears for more than ninety (90) days; or ,signed lease agreement or In case of bidders located in informal settlement, rural areas or areas where they are not required to pay Rates and Taxes a letter from the local councillor confirming they are operating in that area | | Was a Municipal Account Statement, or signed lease agreement or letter from the local councillor provided for the bidding company? The name and / or addresses of the bidder's statement correspond with CIPC document, Address on CSD or Company profile? Are municipal service charges, rates and taxes up to date (i.e. not in arrears for more than 90 days? |
| d) In addition to the above, confirmation that all the bidding company's owners / members / directors / major shareholders municipal service charges, rates and taxes are up to date: • Original or copy of Municipal Account Statement of all the South African based owners / members / directors / major shareholders not older than 3 months and the account/s may not be in arrears for more than ninety (90) days; or a signed lease agreement of owners / members / directors / major shareholders or In case of bidders located in informal settlement, rural areas or areas where they are not required to pay Rates and Taxes a letter from the local councillor confirming they are residing in that area | | Was a Municipal Account Statement, or signed lease agreement or letter from the local councillor provided for the company's owners / members / directors / major shareholders? Are municipal service charges, rates and taxes up to date (i.e. not in arrears for more than 90 days? |
| e) Duly Signed and completed MBD forms (MBD 1, 4, 5, 8 and 9) The person signing the bid documentation must be authorized to sign on behalf of the bidder. Where the signatory is not a Director / Member / Owner / Shareholder of the company, an official letter of authorization or delegation of authority should be submitted with the bid document.<br><br>**NB: Bidders must ensure that the directors, trustees, managers, principal shareholders, or stakeholders of this company, declare any interest in any other related companies or business, whether or not they are bidding for this contract. *See Question 3.14 of MBD 4.***| | All documents fully completed (i.e. no blank spaces), All documents fully signed by (any director / member / trustee as indicated on the CIPC document, alternatively a delegation of authority would be required, Documents completed in black ink (i.e. no "Tippex" corrections, no pencil, no other colour ink, or **non-submission of the MBD forms**, will not be considered) |

| Compulsory Returnable Documentation (Submission of these are compulsory) | Submitted (YES or NO) | Checklist (Guide for Bidder and the Bid Evaluation Committee) |
|---|---|---|
| ***Failure to declare interest will result in a disqualification*** | | |
| f) Audited Financial Statements for the most recent three (3) years or Audited Financial Statements from date of existence for companies less than three years old.<br>**NB**: The bidder must submit signed audited annual financial statements for the most recent three years, or if established for a shorter period, submit audited annual financial statements from date of establishment.<br><br>If the bidder is not required by law to prepare signed annual financial statements for auditing purposes, then the bidder must submit proof that the bidder is not required by law to prepare audited financial statements. | | Applicable for tenders above R10m in conjunction with MBD 5)<br><br>Are Audited financial statements provided (Audited financials must be signed by auditor) Or proof that the bidder is not required by law to prepare audited financial statements. |
| g) Joint Ventures (JV) – (Only applicable when the bidder tenders as a joint venture) Where the bidder bids as a joint venture (JV), the required or relevant documents as per (a) to (f) above must be provided for all JV parties. In addition to the above the bidder must submit a Joint Venture (JV) agreement signed by the relevant parties.<br>**NB**: It is a condition of this bid that the successful bidder will continue with the same Joint Venture (JV) for the duration of the contract unless prior approval is obtained from the City. | | If applicable. JV agreement provided? JV agreement complete and relevant? Agreement signed by all parties? All required documents as per (i.e. a to f) must be provided for all partners of the JV. |
| h) Bidder attended a compulsory briefing session where applicable | | A compulsory briefing register must be signed by the bidder.<br><br>**Bidders will be disqualified should they fail to attend compulsory briefing session** |
| i) Pricing schedule (All items must be quoted for in pricing schedule and if not, all items are quoted the bidder will be disqualified). Unless the tender is awarded per item or per section where the bidder only quoted the items or sections, they are interested in. | | Incomplete pricing schedule results in totals being incomparable. Bidder must be disqualified.<br><br>**Bidder will be disqualified should they make corrections on the price schedule without attaching a signature or initialising thereto.**<br><br>**Bidder will be disqualified should they use tippex/ correction ink, on the price schedule.** |

## STAGE 2: MANDATORY REQUIREMENTS

### 1. REQUIREMENTS FROM THE COMPANY

1.1 Attach a certified copy of the company's PSIRA registration certificate

1.2 Attach a Letter of Good Standing must:
- Be valid at the time the Bid closing;
- Be submitted as a certified copy.

1.3 Attach proof of registration in terms of the Compensation for Occupational Injuries and Diseases Act (COIDA)

1.4 The bidder must attach three (3) contactable reference letters from previous or current clients for similar contracts rendered on the company's letter head

1.5 Bidders are requested to provide evidence of access to financial facilities from institutions accredited by the Financial Sector Conduct Authority (FSCA) or Reserve Bank, as proof of financial capacity.
- To clarify this requirement, the following will be accepted as proof of financial facility:
  - Bank guarantee **or**
  - Letter of credit **or**
  - Overdraft facility **or**
  - Letter of financial support **or**
  - Any other form of funding from an institution accredited by Financial Sector Conduct Authority (FSCA or Reserve Bank) confirming that the bidder has access to financial facility/funding to the amount of at least R300,000 and above.

### 2. INDIVIDUAL REQUIREMENTS

2.1 Member and/or Shareholders and/or Directors MUST submit the following documentation

- Certified copies of valid PSIRA registration Certification
- Curriculum Vitae(s) (CV's)
- Certified copies of Identification Documents (ID's)

2.2 All personnel to be deployed must meet the following minimum requirements:

**2.2.1 South African Citizenship:**
- Certified copy of a valid South African Identity Document must be provided.

- **2.2.2 Attach valid PSIRA Registration (Valid and in Good Standing):**
  - Security Officers / Protectors: Minimum PSIRA Grade C registration;
  - Supervisors / Team Leaders: Minimum PSIRA Grade B registration (Grade A preferred);

2.3 SASSETA-aligned certification in Crowd Control Management, a certified valid training certificate must be attached.

2.4 Relevant Experience:

- Minimum of three (3) years' relevant experience in specialized security services within a crowd control management environment, Attach CV,s

**STAGE 3: PREFERENCE POINT SYSTEM**

The preferential point system used will be the 80/20-point system in terms of the 2022 Regulations of the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000).
· 80 points for price
· 20 points for specific goals

Specific goals

Bidders are required to submit supporting documents for their bids to claim the specific goal points.

Non-compliance with specific goals will not lead to disqualification but bidders will not be allocated specific goal points. Bidders will score points out of 80 for price only and zero points out of 20 for specific goals.

The City shall act against any bidder or person when it detects that the specific goals were claimed or obtained on a fraudulent basis.

The specific goals for this bid are outlined below:

| **Specific goals** | **80/20 preference point system** | **Proof of specific goals to be submitted** |
|---|---|---|
| BBBEE score of companies<br>• Level 1<br>• Level 2<br>• Level 3<br>• Level 4<br>• Level 5<br>• Level 6<br>• Level 7<br>• Level 8<br>• Non-compliant | • 8 points<br>• 7 points<br>• 6 points<br>• 5 points<br>• 4 points<br>• 3 points<br>• 2 Points<br>• 1 point<br>• 0 points | Valid certified copy of BBBEE certificate Sworn affidavit for BBBEE qualifying small enterprise or exempt micro enterprise or CIPC BBBEE certificate |
| Exempt micro enterprise and/or qualifying small enterprise | 2 points | Valid sworn affidavit for BBBEE qualifying small enterprise or exempt micro enterprise or CIPC BBBEE certificate |
| At least 51% companies owned by women | 2 points | Certified copy of identity document(s) **and** proof of ownership (sworn affidavit for BBBEE qualifying small enterprise or exempt micro enterprise, CIPC registration or any other proof of ownership) |
| At least 51% companies owned by persons with disabilities | 2 points | Medical certificate with doctor's details (practice number, physical address and contact number) and proof of ownership (sworn affidavit for BBBEE qualifying small enterprise or exempt micro enterprise, |

| Specific goals | 80/20 preference point system | Proof of specific goals to be submitted |
|---|---|---|
| | | CIPC registration or any other proof of ownership) |
| At least 51% companies owned by youths | 2 points | Certified copy of identity document(s) **and** proof of ownership (sworn affidavit for BBBEE qualifying small enterprise or exempt micro enterprise, CIPC registration or any other proof of ownership) |
| Local economic participation<br>• Tshwane<br>• Gauteng<br>• National | <br>4 points<br>2 points<br>1 point | Municipal account statement or lease agreement |

## 8. PRICING SCHEDULE

| ITEM | MATERIAL NUMBER | DESCRIPTION | QUANTITY | UNIT PRICE | | TOTAL EXCL. VAT | |
|---|---|---|---|---|---|---|---|
| | | | | R | c | R | c |
| 1 | 3033079 | Protection Officers, (15 males and 5 females) | 20 | | | | |
| 2 | 3033080 | 2-way radio | 2 | | | | |
| **TOTAL EXCL. VAT** | | | | | | | |
| **15 % VAT** | | | | | | | |
| **TOTAL INCL. VAT)** | | | | | | | |

**NB: THE CITY RESERVES THE RIGHT TO INCREASE OR DECREASE THE QUANTITIES OF THE PRODUCTS OR SERVICES SUBJECT TO BUDGET AVAILABILITY**

## 9. VALIDITY PERIOD

The validity period for the bid after closure is 90 days. City of Tshwane shall have right and power to extent any tender validity period beyond any initial validity period set and subsequent extensions. SCM shall ensure that an extension of validity is requested in writing from all bidders before the validity expiry date. Extension of validity shall be finalised while the quotations/bids are still valid.

## 10 MARKET ANALYSIS

The City of Tshwane reserves the right to conduct market analysis. Should the city exercise this option, where a tenderer offers a price that is deemed not to be viable to supply goods or services as required, written confirmation will be made with the bidder if they will be able to deliver on the price, if a tenderer confirm that they cannot.

The bid will be disqualified on the basis of being non-responsive. If they confirm that they can deliver, a tight contract to mitigate the risk of non-performance will be entered into with the service provider. Further action on failures by the supplier to deliver will be handled in terms of the contract including performance warnings and listing on the database of restricted suppliers.

The City further reserves the right to negotiate a market related price with a bid scoring the highest points. If the tenderer does not agree to a market-related price, the city reserves the right to negotiate a market-related price with the tenderer scoring the second highest points, if the tenderer scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the bidder scoring the third highest points. If a market-related price is not agreed, the city reserves the right to cancel the quotation.

# MBD1
# COMPULSORY
# PART A
# INVITATION TO BID

| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (*NAME OF MUNICIPALITY/ MUNICIPAL ENTITY*) | | | | | |
|---|---|---|---|---|---|
| QUOTATION NUMBER: | Q18-02-2026-27 | CLOSING DATE: | 20 November 2026 | CLOSING TIME: | 10:00 |
| DESCRIPTION | **RE-ADVERTISEMENT: QUOTATION FOR THE PROCUREMENT OF PROTECTION OFFICERS, COUNCIL ORDERLIES AND REQUIRED EQUIPMENT FOR COUNCIL** | | | | |

**THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).**

**BIDDERS SHOULD THEREFORE NOT DEPOSIT THEIR RESPONSES IN THE TENDER BOX BUT RESPOND TO BID ON THE ONLINE PLATFORM**

**Tshwane House**

**Supply Chain Management**

**320 Madiba Street**

**Pretoria**

**GPS coordinates: 25.74431°S, 28.19464°E**

| **SUPPLIER INFORMATION** | | | | | |
|---|---|---|---|---|---|
| NAME OF BIDDER | | | | | |
| POSTAL ADDRESS | | | | | |
| STREET ADDRESS | | | | | |
| TELEPHONE NUMBER | CODE | | NUMBER | | |
| CELLPHONE NUMBER | | | | | |
| FACSIMILE NUMBER | CODE | | NUMBER | | |
| E-MAIL ADDRESS | | | | | |
| VAT REGISTRATION NUMBER | | | | | |
| TAX COMPLIANCE STATUS | TCS PIN: | | **OR** | CSD No: | |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX] | ☐ Yes ☐ No | | B-BBEE STATUS LEVEL SWORN AFFIDAVIT | ☐ Yes ☐ No | |

***[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]***

| | | | |
|---|---|---|---|
| ARE YOU THE ACCREDITED REPRESENTATIVE **IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?** | ☐Yes ☐No [IF YES ENCLOSE PROOF] | ARE YOU A FOREIGN BASED SUPPLIER FOR **THE GOODS /SERVICES /WORKS OFFERED?** | ☐Yes ☐No [IF YES, ANSWER PART B:3 ] |
| **SIGNATURE OF BIDDER** | ..... | **DATE** | |
| **CAPACITY UNDER WHICH THIS BID IS SIGNED** | | | |

| **BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:** | | **TECHNICAL INFORMATION MAY BE DIRECTED TO:** | |
|---|---|---|---|
| DEPARTMENT | Supply Chain Management | CONTACT PERSON | Samuel Vis |
| CONTACT PERSON | Josia Masenya | | |
| TELEPHONE NUMBER | (012) 358 0658 | TELEPHONE NUMBER | (012) 358 1420 |
| | | E-MAIL ADDRESS | SamuelVi@tshwane.gov.za |
| E-MAIL ADDRESS | josiasma@tshwane.gov.za | | |

# MBD1
# COMPULSORY
# PART B
# TERMS AND CONDITIONS FOR BIDDING

**1. BID SUBMISSION:**

1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.

1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE**

1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

**2. TAX COMPLIANCE REQUIREMENTS**

2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.

2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.

2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.

2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.

2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.

2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.

2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

**3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

| | |
|---|---|
| 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | ☐ YES ☐ NO |
| 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? | ☐ YES ☐ NO |
| 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | ☐ YES ☐ NO |
| 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? | ☐ YES ☐ NO |
| 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? | ☐ YES ☐ NO |

**IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.**

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID**.
**NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE**.

SIGNATURE OF BIDDER: ……

CAPACITY UNDER WHICH THIS BID IS SIGNED: ……

DATE: ……...

**MBD 4**
**COMPULSORY**

## DECLARATION OF INTEREST

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

2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.

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

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

3.2 Identity Number: …….

3.3 Position occupied in the Company (director, trustee, hareholder[2]):……..

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. ….……

……..

[1]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.

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

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

3.9.1 If yes, furnish particulars.……...……..

……

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

3.10.1 If yes, furnish particulars.

……

……

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

3.11.1 If yes, furnish particulars

……

……

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

3.12.1 If yes, furnish particulars.

……

……

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

3.13.1 If yes, furnish particulars.

……

……

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

3.14.1 If yes, furnish particulars:

……..

……..

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

| Full Name | Identity Number | State Employee Number |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

…….. ……..
**Signature** **Date**

……. ……
**Capacity** **Name of Bidder**

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

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

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

---

## 1. GENERAL CONDITIONS

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

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

**1.2 To be completed by the organ of state**

a) The applicable preference point system for this tender is the 80/20 preference point system.

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

(a) Price; and

(b) Specific Goals.

**1.4 To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

| | POINTS |
|---|---|
| **PRICE** | 80 |
| **SPECIFIC GOALS** | 20 |
| **TOTAL POINTS FOR PRICE AND SPECIFIC GOALS** | **100** |

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

## 2. DEFINITIONS

(a) **"tender"** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;

(b) **"price"** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;

(c) **"rand value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

(d) **"tender for income-generating contracts"** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and

(e) **"the Act"** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

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

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

**80/20** **or** **90/10**

$$Ps = 80\left(1 - \frac{Pt - P\,min}{P\,min}\right) \text{ or } \quad Ps = 90\left(1 - \frac{Pt - P\,min}{P\,min}\right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

#### 3.2.1. POINTS AWARDED FOR PRICE

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

**80/20** **or** **90/10**

$$Ps = 80\left(1 + \frac{Pt - P\,max}{P\,max}\right) \text{ or } \quad Ps = 90\left(1 + \frac{Pt - P\,max}{Pmax}\right)$$

Where

Ps = Points scored for price of tender under consideration Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

## 4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

(a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

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

| Specific goals | 80/20 preference point system | Number of points claimed (80/20 system)<br>(To be completed by the tenderer) |
|---|---|---|
| BB-BEE score of companies<br>• Level 1<br>• Level 2<br>• Level 3<br>• Level 4<br>• Level 5<br>• Level 6<br>• Level 7<br>• Level 8<br>• Non-compliant | • 8 Points<br>• 7 Points<br>• 6 Points<br>• 5 Points<br>• 4 Points<br>• 3 Points<br>• 2 Points<br>• 1 Point<br>• 0 Points | |
| EME and/ or QSE | 2 Points | |
| At least 51% of Women-owned companies | 2 Points | |
| At least 51% owned companies by People with disability | 2 Points | |
| At least 51% owned companies by Youth | 2 Point | |
| Local Economic Participation<br>• City of Tshwane<br>• Gauteng<br>• National | 4 Points<br>2 Points<br>1 Point | |

**N.B** For points to be allocated as per above the tenderers will be required to submit proof of documentation as evidence for claims made. Any tenderer that does not submit evidence as stated in the bid document to claim applicable points will be allocated zero points.

## DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm…….

4.4. Company registration number: ……...

4.5. TYPE OF COMPANY/ FIRM

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

☐ State Owned Company [TICK APPLICABLE BOX]

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

i) The information furnished is true and correct;

ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;

iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

(a) disqualify the person from the tendering process;

(b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

(c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

(d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and

(e) forward the matter for criminal prosecution, if deemed necessary.

……

**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME**: ……

**DATE:** ……

**ADDRESS**: ……

……

……

## CONTRACT FORM - RENDERING OF SERVICES

**THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.**

### PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)…… in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number…….. at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.

2. The following documents shall be deemed to form and be read and construed as part of this agreement:

   (i) Bidding documents, *viz*
   - Invitation to bid;
   - Tax clearance certificate;
   - Pricing schedule(s);
   - Filled in task directive/proposal;
   - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2022;
   - Declaration of interest;
   - Declaration of Bidder's past SCM practices;
   - Certificate of Independent Bid Determination;
   - Special Conditions of Contract;

   (ii) General Conditions of Contract; and

   (iii) Other (specify)

3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.

5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) ……

CAPACITY ……

SIGNATURE ……

NAME OF FIRM ……

DATE ……

WITNESSES

1 ……

2 ……

DATE: ……..

**CONTRACT FORM - RENDERING OF SERVICES**

**PART 2 (TO BE FILLED IN BY THE PURCHASER)**

1. I……. in my capacity as……..…… accept your bid under reference number ……dated……for the rendering of services indicated hereunder and/or further specified in the annexure(s).

2. An official order indicating service delivery instructions is forthcoming.

3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

| DESCRIPTION OF SERVICE | PRICE (ALL APPLICABLE TAXES INCLUDED) | COMPLETION DATE | B-BBEE STATUS LEVEL OF CONTRIBUTION | MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable) |
|---|---|---|---|---|
| | | | | |

4. I confirm that I am duly authorised to sign this contract.

SIGNED AT …… ON ……..

NAME (PRINT) …….

SIGNATURE ……

OFFICIAL STAMP

WITNESSES

1 ……

2 ……

DATE: ……..

**COMPULSORY**

# DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1 This Municipal Bidding Document must form part of all bids invited.

2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.

3 The bid of any bidder may be rejected if that bidder, or any of its directors have:

a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
b. been convicted for fraud or corruption during the past five years;
c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).

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

| Item | Question | Yes | No |
|---|---|---|---|
| 4.1 | Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?<br>(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).<br>**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 so, furnish particulars: | | |
| 4.2 | Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?<br>**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 so, furnish particulars: | | |

| | | | |
|---|---|---|---|
| 4.3 | Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years? | Yes ☐ | No ☐ |
| 4.3.1 | If so, furnish particulars: | | |

| Item | Question | Yes | No |
|---|---|---|---|
| 4.4 | Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months? | Yes ☐ | No ☐ |
| 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 ☐ | No ☐ |
| 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**

**MBD 9**

# CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Municipal Bidding Document (MBD) must form part of all bids[1] invited.

2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).[2] Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:

a. take all reasonable steps to prevent such abuse;

b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and

c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

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

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

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

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

**MBD 9**

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

_____

(Bid Number and Description)

in response to the invitation for the bid made by:

_____

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of:_____that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

    (a) has been requested to submit a bid in response to this bid invitation;
    (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
    (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium[3] will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
    (a) prices;
    (b) geographical area where product or service will be rendered (market allocation)
    (c) methods, factors or formulas used to calculate prices;
    (d) the intention or decision to submit or not to submit, a bid;
    (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
    (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

| | |
|---|---|
| …… | …… |
| Signature | Date |
| ……. | …… |
| Position | Name of Bidder |

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