



MHLONTLO LOCAL MUNICIPALITY

TENDER DOCUMENT FOR STRATEGIC ENVIRONMENTAL ASSESSMENT

BID NOTICE NO: SEA/LED06/2018-19

Issued by: The Municipal Manager
MHLONTLO LOCAL MUNICIPALITY

P.O. BOX 31
QUMBU
5180

96 General Mabindla Street
QUMBU
5180

Tel: +27(047) 553 7000
Fax; +27(047) 553 0189

CSD NO. _____
PIN _____

SARS

NAME OF BIDDER: _____

TENDER AMOUNT: _____

BBBEE LEVEL: _____

TENDER NOTIFICATION

PROJECT NAME	CONTRACT NUMBER	Advert date	CLOSING DATE
STRATEGIC ENVIRONMENTAL ASSESSMENT	SEA/LED06/2018-19	03/04/2019	25/04/2019 At 12:00 pm Qumbu Foyer At Qumbu

The purpose of these Terms of Reference is to clearly state and guide the service providers when developing proposals for the project. Outline the service that would be required for the development of strategic environmental assessment.

The municipality accordingly invites interested parties to submit proposals, in order to be considered for the appointment as service provider.

DOCUMENTATION

Copies of the bid documents may be obtained from the offices of Mhlontlo Local Municipality, Qumbu, from **the 03 April 2019**. Mhlontlo website www.mhlontloim.gov.za

Notes to Prospective Bidders/compulsory submissions

- All prospective bidders must be registered / eligible to register on the Mhlontlo Municipal data base.
- All bids submitted should remain valid for a period of 90 days after the bid closing date.
- SARS Compliance Status Pin.
- Certified Copy of BBBEE certificate issued by a Verification Agency accredited by SANAS or Sworn Affidavit.
- Company profile with traceable references.
- Bidders are required to submit Proposed Project Team, their CV's and proof of professional registration.
- Central Supplier Database Report not later than One Month
- Proof of Municipal Rates not later than one Month

Failure to supply all required and supplementary information will result in the tender being deemed non-responsive; and therefore the tender will not be considered for award.

The bids will be evaluated on the basis of the Preferential Procurement Policy Framework Act (Act No.5, 2000), and the regulations pertaining thereto (2011), as well as the Mhlontlo Local Municipality's Supply Chain Management policy.80/20 preference point system will be used as per the MHLONTLO LM SCM Policy.

Received Responsive bids will be evaluated based on the following criteria:

- Stage 1 – Functionality
- Stage 2 – Price and Preferential Points

Only Bidders who score 70% or more on Stage 1 would be evaluated further and eligible for award.

COMPETENCE	WEIGHT	REQUIRED EVIDENCE	SCORE
Qualifications of key Personnel Project Manager with CV's	40	Master's Degree in Environmental Studies/ Science	40
		Honours Degree in Environmental Studies/Science	30
		Bsc. Degree in Environmental Studies/Science	20
		Equivalent Qualification	10
		No Qualification	0
Registration with South African Council of Natural Scientific Professions (SACNAP)	30	Proof of registration	30
		No Proof	0
Quality of methodology relevant to assignment step by step with time frames	30	A fully detailed methodology aligned to the Terms of Reference with clear milestones and time frames.	30
		Basic methodology	20

COMPETENCE	WEIGHT	REQUIRED EVIDENCE	SCORE
		Unclear methodology with no time frames	0
TOTAL	100	Minimum Score	70

BID CLOSING DATE

Completed bids in sealed envelopes endorsed “**SEA/LED06/2018-19**”, must be deposited in the bid box at Mhlontlo Local Municipality offices, Qumbu not **later than 12H00** on the **25 April 2019**, where bids will be opened in public shortly afterwards at Qumbu. Bidders must take note that where a correction is made the bidder should append a signature. All bids should be completed in black ink and the use of a correction fluid is NOT permitted at all and will lead to disqualification. Bids completed in pencil will be disqualified. Late, incomplete, electronic, telegraphic, telexed, faxed bids will not be considered. The lowest or any proposal will not necessarily be accepted and Mhlontlo Local Municipality reserves the right to accept or not to accept any proposal either in whole or in part. And any assistance in completing partly or full the proposal from MHLONTLO LM Official or Councillor will result in disqualification of bid.

BID ENQUIRES

Enquiries should be directed to Mr L. Keto on 047 553 7000, email address: lketo@mhlontloim.gov.za(LEDPARD) and all SCM related enquiries to be directed to T Mbono on 047 553 7031, email address: tmbono@mhlontloim.gov.za

MR S.G. SOTSHONGAYE

MUNICIPAL MANAGER

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO DEVELOP STRATEGIC ENVIRONMENTAL ASSESSMENT

1. BACKGROUND

The study area for the project is the Mhlontlo Local Municipality which incorporates two urban centres, Qumbu and Tsolo. Mhlontlo Local Municipality covers approximately 234.4 sq km which comprise of extensive land utilised for agricultural purposes (livestock farming and crop production) around two urban centres, Tsolo and Qumbu. This municipality has the environmental assets such as grasslands, river systems, dams, indigenous forests and mountains. River systems include Tsitsa River, Tina River Mabheleni dam. These assets bring tourism and economic potential within the municipality which can boasts natural beauty in the form of falls and cultural and historic heritage.

The purpose of these Terms of Reference is to provide a clear framework (methodology, deliverables/product, and suitable independent Service provider/s required) for the preparation of Strategic Environmental Assessment (SEA). The appointment of a suitable Independent Service Provider is necessary to support the Mhlontlo Local Municipality and the Eastern Cape Department of Economic Development and Environmental Affairs.

Mhlontlo Local Municipality has in the past years encountered large quantities of land degradation because of the following:

- Uncontrolled veld and forest fires
- Overgrazing
- Housing (unsustainable livelihoods)
- Deterioration of wetlands
- Deforestation
- Poaching
- Land and water pollution

This has resulted in the loss of important habitat and hence loss of important flora and fauna and then disturbances in our ecosystem. This also can result in climate change as some natural species can assist in micro climate. Medicinal forest plants include trees, shrubs, climbers and parasites. There are also faunal elements which include millipedes, baboons, snakes, and birds etc, which are used medicinal. These remain important to the rapidly growing urban black population and they generate thousands of rands annual trade between rural source and urban black market and shops. Presence of vegetation prevents soil erosion and it prevents sedimentation. Faunastically and floristically forests are among the richest biomes and therefore should be conserved.

It is important to determine the municipality's environmental integrity and how it contributes to human well-being and the interrelationships with resources sustainability if future planning is to contribute positively to growth and development. The state of the environment is one of the major indicators of economic development of a community. How well the natural and human environment is understood and looked after is evidence of attractive and nature friendly looking physical environment.

1. Request:

Mhlontlo Local Municipality has approved the development of a Strategic Environmental Assessment project.

Therefore; **Mhlontlo Local Municipality** invites prospective service providers to submit:

- a. **COMPREHENSIVE PROPOSALS** with
- b. **ALL-INCLUSIVE QUOTATIONS**,

For conducting an Environmental Management Plan document. The municipality intends to implement Environmental Management Strategies within Mhlontlo Local Municipal region.

2. AIM

The aim of this project is to provide Strategic Environmental Management Systems that will support decision-making in order to ensure protection of the natural resource base in the Mhlontlo locality and at the same time sustainable development within the boundaries in line with the principles of the National Environmental Management Act (NEMA) (Act 17 of 1998).

3. OBJECTIVES

As much as a Strategic Environmental Assessment is to incorporate environmental considerations and assess the likely significant environmental effects (risks and opportunities) of the implementation of the Development Planning of an Area, the objectives of this project are to:

- Define and spatially represent the desired state of environment and development for the study area (with emphasis on desired land uses, the open space network, the road network, development corridors, geological and hydrological constraints, the protection of sensitive environments, agricultural resources, service provision/capacity, bio-physical constraints and other non-renewable resource etc.).
- Based on consultation with relevant interested and affected parties, develop a Strategic Environmental Assessment (SEA) to reach the desired state of environment and development.
- Develop monitoring and reporting systems to measure the success of the implementation of the above-mentioned strategies.

4. STUDY AREA

For the purpose of this project, the study area is the Mhlontlo Local Municipality (MLM) made up of 26 wards represented by two towns, the Qumbu and Tsolo. The whole area is characterized by large volume of rural land with the small portion zoned as urban land.

6. SCOPE OF WORK:

6.1 Initial Meeting with Project Team to confirm the Scope of Work after appointment where the consultant team will meet with the relevant officials to:

- Establish a Project Steering Committee, which will include representatives from MLM, OR Tambo District Municipality (ORTDM), Department of Economic Development and Environmental Affairs DEDEA, Nyandeni Local Municipality, King Sabata Dalindyebo Local Municipality, Department of Agriculture Forestry and Fisheries.
- Confirm the scope of the project.
- Agree upon time frames for the deliverables.
- Agree upon roles and responsibilities within the Project Steering Committee.

- Agree upon stakeholder groupings to be included in the consultation process.

6.2 LITERATURE REVIEW

The literature review should include but not be limited to the following:

GENERIC ENVIRONMENTAL LEGISLATION

- The National Environmental Management Act (Act 107 of 1998, 'NEMA') and Regulations.
- The Development Facilitation Act (Act 67 of 1995, 'DFA')
- The National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003)
- The National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004)
- The Guideline Document developed by the National Department of Environmental Affairs and Tourism on Strategic Environmental Assessment in South Africa, February 2000.
- Conservation of Agricultural Resources Act (Act of 1983).
- Forest Act

PROVINCIAL AND MUNICIPAL DOCUMENTATION/ STUDIES

- The current Integrated Development Plans for the relevant municipalities.
- Spatial Development Frameworks of the relevant municipalities.
- The Eastern Cape Provincial Spatial Development Framework.
- Any relevant EIA studies that are currently being undertaken in the study area.
- The ORTDM Environmental Management Plan

6.3 Prepare an Environmental Status Quo Report

The consultant(s) must, after the necessary review of the literature and field investigations, prepare a report on the status quo of the environment. This report must address/include the following:

- a) Identification of the key environmental issues (opportunities and constraints) in the study area.
- b) Biodiversity and conservation status of fauna and flora in the study area.

c) Identification of the buffer/peripheral areas (areas in need of protection and areas having activities that are potential threats to the MLM)

d) The status quo of the cultural, socio-economic and political environment.

e) A spatial representation of the status quo of the environment. This spatial representation must indicate, inter alia:

- Sensitive natural environments, including optimal buffer to support ecology of environs (such as wetlands, grassland areas, and potential red data fauna and flora habitat).
- Areas unsuitable for human habitation due to the history of the site or adjacent land uses.
- State of degradation.
- Cultivated areas / or areas potentially suitable for agriculture.
- Location of archeological sites.
- Areas of geological significance.

f) A spatial representation of all existing land uses as well as legal and illegal developments within the study area.

g) A spatial representation of planned and existing activities that may threaten the natural resources and biodiversity within the area.

h) Status of services provision/capacity by the Local Authority.

i) Road infrastructure and network capacity.

j) Local Authority IDP planning.

k) Existing institutional structures which influence the maintenance and enhancement of environmental resources, e.g. law enforcement, co-operation between MLM and local authorities on development applications, co-operation between local authorities etc.

Develop a system to evaluate, monitor and report on progress made towards the state of environment and land uses in the study area. A realistic set of indicators coupled with measurable time scales must be developed.

A draft of this report must be submitted to the project team for comments prior to finalization. This report would also form the basis of consultation to establish the

desire state of environment of the study area and develop strategies to be implemented in order to guide development in the study area.

6.4 Prepare a SEA towards the desired state of environment in the study area. The SEA must be an integration of the following

6.4.1 The desired state of environment

a. The Status Quo Report to be prepared (see point 5.3 above) must be used to facilitate a consultative process through which the desired state of environment for the area will be established.

b. This desired state of the environment must be spatially represented in the same format as in the status quo report to enable comparison.

6.4.2 Proposed environmental control zones

a. Based on the spatial component of the desired state of environment and biophysical constraints and opportunities, the study area must be divided into environmental control zones. The purpose of such strategic environmental zoning would be to facilitate future decision-making on environmental requirements and acceptability of development applications.

b. These control zones must be spatially represented and proposals should be made on environmental controls for the different zones.

6.4.3 Develop a detailed Environmental Management Strategies for the area

6.4.4 SEA must be taken into account in the Regional Spatial Development Frameworks (RSDF's) for the area.

The document must include all the relevant action plans required for the implementation of the SEA and all the strategies that form part thereof.

A draft copy of the SEA (or relevant components thereof) must be circulated for comment to identified stakeholders. After incorporation of comments, the draft SEA would need to be work shopped with the project team and the relevant officials of the local authorities.

The consultant(s) must then effect the changes derived from the workshop. The final SEA would then be supported by the district and local municipality and should be incorporated to the next Integrated Development Plans and spatial development frameworks for the study area to be developed by the relevant municipalities.

7. EXPECTED DELIVERABLES

7.1 Within 14 days of appointment the successful consultant(s) will be required to submit an amended Plan of Study (work plan), which will be agreed upon with MLM. The plan is to include an outline of the various draft and final reports to be produced and the delivery dates. Comment periods for draft documents are also to be specified.

7.2 Provide the following documents as set out in the Scope of work above:

- Draft Environmental Status Quo Report.
- Environmental Status Quo Report.
- Draft SEA (fulfilling the requirements as set out in the Environmental Management Legislative Framework).
- SEA (fulfilling the requirements as set out in the Environmental Management Legislative Framework). Which must include proposed environmental management implementation plans
- Recommendations for the existing Regional Spatial Development Frameworks within the study area.

7.3 Maps describing sensitive areas and Biodiversity hotspots. All maps shall be geo-referenced in GIS, compatible with ORTDM and Eastern Cape Information Systems.

7.4 Compile a GIS layer that indicates a zone of influence for the sensitive areas with sub-zones indicating acceptable and unacceptable activities surrounding such areas.

7.5 Compile all relevant information on ecological, social, cultural and aesthetic value into a database that includes their sensitivity ranking.

7.6 A report on the existing applicable legislation. This should include a report on the requirements stipulated in the various Acts regarding the management of the environment of MLM.

7.7 A set of guidelines to assist MLM in making informed and rapid decisions when evaluating development applications in the area and to ensure that development is within sustainable limits.

7.8 Provide recommendations on how the SEA should be implemented, monitored and updated on a regular basis.

7.9 Sustainability parameters must be formulated. Such indicators have been developed as part of the State of Environment process at national and provincial level. These are to be used as a point of departure for this project, and adapted and refined as required.

7.10 Presentation of the SEA to all stakeholders including the facilitation of a workshop to set up an implementation committee.

7.11 Progress reports at intervals agreed upon with the project team.

7.12 Documented workshops and Project Team meetings held and recorded.

8. POSSIBLE SOURCES OF INFORMATION

- Municipal departments including Infrastructure Service Delivery, Community Services and LEDPARD
- Regional and Provincial government departments: Department of Human Settlements, Agriculture Forestry and Fisheries, Roads and Infrastructure and Tourism Dept.
- Agricultural Research Council
- NGO's and any other relevant institution
- Any other bodies

It is anticipated that the bulk of the resource inventory data can be completed by compilation and integration of existing data from the sources listed above.

9. STAKEHOLDER INVOLVEMENT

There is a need to develop a stakeholder participation a communication strategy to ensure the involvement of all stakeholders in the process, implementation and outcome. Public participation and consultation with relevant Interested and/or Affected Parties and the establishment of a database of contacts and comments.

10. REPORTING

The Service Provider shall during the study inform MLM on any deviations from the agreed activities. Progress reports will be submitted at intervals agreed upon with the project team.

11. REQUIRED EXPERTISE

It will be expected that the project team will comprise and/or have access to the following

areas of expertise:

- Project Management
- SEA & EMF experience including strategic thinking and integrative skills
- GIS skills and facilities
- Spatial analytical skills
- Town and Regional Planning
- Local and indigenous knowledge, including socio-economical knowledge
- Knowledge of the state of the study area (biodiversity, significant Red data species, etc.)
- Environment Impact Assessment
- Environmental Management & Monitoring

12. DURATION OF THE PROJECT

The project shall be completed within a period of 4 months from the date of contract signing.

The activity chart after the appointment of SP should be presented in the PSC first meeting which must be guided by 4 months period.

13. CONDITIONS OF TENDER

The proposal should include, amongst other, the following:

13.1 Proposed plan of action

13.3 Ability to ensure continuity of staff on the project

13.4 The envelopes should be clearly marked "Mhlontlo SEA Development".

13.5 Plan to transfer skills to departmental employees.

13.6 In so far as possible, a comprehensive budget, showing the charge out of rates of all the staff to be involved in investigations and also including all other costs factors such as traveling.

13.7 Traveling costs and time spent or incurred between home and office of consultants and the ULM will not be for the account of the Organization.

14. PAYMENT TERMS

MLM pay dates are the every Fridays of month, all claims must be submitted 4 days prior said payment dates. In cases of holidays and weekends these must be submitted before that.

15. Expertise Required:

Due to the urgency of delivery, the scope requires a service provider to drive this project, in conjunction with necessary stakeholders and all other relevant interested and affected groups.

All the required professional team should be involved from the beginning.

16. Compulsory Terms and Conditions

A proposal will not be considered unless the service provider furnishes the MLM with the duly completed documents mentioned below. In the event that a proposal is submitted by a consortium/joint venture, each party, consultant and or sub-contractor of such consortium/joint venture must complete each of the documents mentioned below.

Proof of:

- 16.1.1 The consortium submitting the proposal must declare any conflict of interests that it may have.
- 16.1.2 The MLM reserve the rights, not to accept any proposals in part or in whole
- 16.1.3 The MLM reserve the rights to suggest partnerships or joint venture to be formed between bidders, or that the assignment must be awarded to an exclusive BBBEE firm.
- 16.1.4 The awarding of proposals will be valid for 90 days after the closing date.
- 16.1.5 The MLM reserve the rights to amend any conditions, validity period, etc. in the event of material changes to the procedures, all parties will be duly notified and be dealt with transparently and equitable

16.1.6 Successful bidders will need to be prepared to commence work within 14 working days of being informed of the awarding of the tender.

16.1.7 Failure to comply with these conditions will result in the invalidation of the proposal and subsequent expulsion/termination from the process.

16.1.8 Successful bidder will be required to submit monthly progress reports.

16.1.9 The guidelines contained in the Mhlontlo Local Municipality Supply Chain Management policy will apply.

16.2 Adjudication.

16.2.1 The 80/20 Preference Point System will be used as per the MFMA and MLM SCM policy where 20% of the 80 points will be for functionality and other 80% will be for price.

16.3 Submission Format

All proposals must be in the form of an A4 bound documents, which is sealed in an envelope, clearly marked with the project name and contract number.

16.4 Where to Submit:

All submissions must be clearly marked:

Proposal for Development of Strategic Environmental Assessment and Submit 96
Church Street Qumbu 5180

17. QUALIFICATION AND EXPERIENCE OF KEY PERSONNEL

- The work shall be undertaken by qualified and experienced Registered Environmental Scientist
- Registration with the Registration with South African Council of Natural Scientific Professions (SACNAP)

- Curriculum Vitae and certified copies of qualifications and proof of professional registration to be attached.

18. DURATION OF THE PROJECT

- The time period of the project will be 6 months from the date of signing of the project contract.

19. VALIDITY OF BID

- Validity of the offer is ninety (90) days.

INVITATION TO BID

MBD 1

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE MHLONTLO LOCAL MUNICIPALITY

BID NUMBER: SEA/LED06/2018-19 CLOSING DATE: 25/04/2019

CLOSING TIME: 12:00

DESCRIPTION: DEVELOP STRATEGIC ENVIRONMENTAL ASSESSMENT

The successful bidder will be required to fill in and sign a written Contract Form (MBD 7).

BID DOCUMENTS MAY BE POSTED TO:

MHLONTLO LOCAL MUNICIPALITY

P.O. BOX

QUMBU

5180

OR

DEPOSITED IN THE BID BOX SITUATED AT (*STREET ADDRESS*)

96 Church Street

Qumbu

5180

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

The bid box is generally open 24 hours a day, 7 days a week.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (as defined in Regulation 1 of the Local Government: Municipal Supply Chain Management Regulations)

*THE FOLLOWING PARTICULARS MUST BE FURNISHED
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)*

NAME OF BIDDER.....

POSTAL ADDRESS.....

STREET ADDRESS.....

TELEPHONE NUMBER
CODE.....NUMBER.....

CELLPHONE
NUMBER.....

FACSIMILE NUMBER CODE..... NUMBER.....

E-MAIL
ADDRESS.....

VAT REGISTRATION NUMBER.....

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN ATTACHED? (MBD 2) YES/NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (MBD 6.1) YES/NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY? _____

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)

A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN NATIONAL ACCREDITATION SYSTEM (SANAS)

A REGISTERED AUDITOR

(Tick applicable box)

(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE 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)

SIGNATURE OF BIDDER

DATE.....

CAPACITY UNDER WHICH THIS BID IS SIGNED

TOTAL BID PRICE.....

TOTAL NUMBER OF ITEMS OFFERED

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Municipality / Municipal Entity: Mhlontlo Local Municipality

Department: LEDPARD

Contact Person: Mr. Thandile Mbono (SCM)

Tel: 047 553 7000

Fax: 047 553 0189

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person: Mr. L Keto

Tel: 047 553 7000

Fax: 047 553 0189

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state*.
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 and/or take an oath declaring his/her interest.
- 3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1 Full Name:

3.2 Identity Number:

3.3 Company Registration Number:

3.4 Tax Reference Number:

3.5 VAT Registration Number:

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

3.6.1 If so, furnish particulars.

* 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.

.....

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

3.7.1 If so, furnish particulars.

.....

3.8 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

3.8.1 If so, furnish particulars.

.....

3.9 Are you, aware of any relationship (family, friend, other) between a 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

3.9.1 If so, furnish particulars.....

3.10 Are any of the company’s directors, managers, principal shareholders or stakeholders in service of the state? **YES/NO**

3.10.1 If so, furnish particulars.....

3.11 Are any spouse, child or parent of the company’s directors, managers, principal shareholders or stakeholders in service of the state? **YES/NO**

3.11.1 If so, furnish particulars.....

CERTIFICATION

I,THE UNDERSIGNED (NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature Date

.....
Position Name of Bidder

MBD 8

DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
 - a. abused the municipality’s / municipal entity’s supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;

- c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
- d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).

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

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>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.</p>	<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>
4.1.1	<p>If so, furnish particulars:</p>		

4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>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.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	<p>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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	<p>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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.7.1	If so, furnish particulars:
-------	-----------------------------

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME)
 CERTIFY THAT THE INFORMATION FURNISHED ON THIS
 DECLARATION FORM TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT,
 ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION
 PROVE TO BE FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf

of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;

5. For the purposes of this Certificate and the accompanying bid, I understand that the word “competitor” shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

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

MBD 9

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

- (a) prices;
- (b) geographical area where product or service will be rendered (market allocation)
- (c) methods, factors or formulas used to calculate prices;
- (d) the intention or decision to submit or not to submit, a bid;
- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
- (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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.

MBD 9

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

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Signature

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Date

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Position

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Name of Bidder