Messrs. __________________________

Dear Sir / Madam

REQUEST FOR FORMAL WRITTEN QUOTATION: DEVELOPMENT OF A ROAD MAINTENANCE POLICY FOR AMAHLATHI LOCAL MUNICIPALITY

Kindly furnish me with a written quotation for the supply of the goods/services as detailed in the enclosed schedule.

The quotation must be placed in the bid box situated at 40 Cambridge Street, East London not later than Thursday, 25 August 2011 at 11h00.

The following conditions will apply:

[a] Price(s) quoted must be valid for at least thirty (30) days from date of your offer.
[b] Price(s) quoted must be firm and must be inclusive of VAT.
[c] A firm delivery period must be indicated.
[d] For all transactions exceeding R15 000.00 your tax reference number at SARS must be furnished.
[e] This quotation will be evaluated in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Policy Framework Act (No 5 of 2000) and for this purpose the enclosed form MBD6.1 must be scrutinized, completed and submitted together with your quotation.

Failure to comply with these conditions may invalidate your offer.

Yours faithfully

V. MLOKOTI
MUNICIPAL MANAGER
AMATHOLE DISTRICT MUNICIPALITY

TERMS OF REFERENCE

It is the intention of the Amathole District Municipality to enter into a formal contract with a service provider that will carry out the services described hereunder. These Terms of Reference and the service provider’s proposal will form the basis of the contract.

SECTION 1: DETAILS

<table>
<thead>
<tr>
<th>Province:</th>
<th>Eastern Cape</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipality:</td>
<td>Amathole District Municipality</td>
</tr>
<tr>
<td>Project Name:</td>
<td>Development of A Road Maintenance Policy for Amahlathi Local Municipality</td>
</tr>
<tr>
<td>Project manager:</td>
<td>B. Madikiza</td>
</tr>
<tr>
<td>Tender Number:</td>
<td>8/2/46/2011-2012</td>
</tr>
</tbody>
</table>

SECTION 2: SUMMARY OF BRIEF

Proposals are requested from service providers who have experience and qualification to develop a Road Maintenance Policy for Mnquma LM in Amathole District Municipality.

SECTION 3: PROJECT DESCRIPTION

BACKGROUND

Amathole District Municipality (ADM) is required, in terms of the local government: Municipal Structures Act [Act 117 of 1998, as amended], to assist local municipalities in its area and build their capacity so that they may perform their functions and exercise their powers.

The ADM through its Municipal Support Unit, seek the services of the Service provider with proven experience on Policy Development to develop Road Maintenance Policy for Mnquma Local Municipality.
The project will entail the process of developing a road maintenance policy for Mnquma LM. The service Provider will be expected to prepare and submit a proposal on how they are going to undertake the project of developing a road maintenance policy.

Proposals in this regard must stipulate all the necessary activities and associated timeframes and costs which will bring the project to successful completion.

SECTION 4: PROJECT PURPOSE / OBJECTIVES

The purposes of this policy are:

- To provide guidelines to concerned employees to assist them in ensuring that the available limited resources (funds and human) for roads maintenance are utilised in an optimum, efficient and cost effective manner that benefits the proper maintenance of roads infrastructure;
- To provide the Municipal residents with realistic expectation on service levels concerning roads infrastructure;
- To provide details of minimum roads maintenance standards;
- To provide guidelines to concerned officials of the Municipality to look for external resources in augmenting the limited resources of the Municipality in maintaining her roads infrastructure;
- To provide Municipal residents, councillors and employees with a list of activities that comprises roads maintenance.

SECTION 5: PROJECT OUTCOMES/ OUTPUTS/ DELIVERABLES

- Provide the municipality with the guiding tool on how to undertake road maintenance activities.
- Assist in decision making
- To give assistance to municipal employees in terms of prioritizing road maintenance activities.
- Ensure effective use of road maintenance standards for road infrastructure maintenance.
- Ensure that the road infrastructure is properly maintained according to the expectations of the residents.
SECTION 6: DOCUMENTATION AND INFORMATION RELATED TO THE BRIEF

- Any related information available at Amathole Municipality and affected Local Municipality will be provided to the service provider.

SECTION 7: PROJECT COSTS

The costs of the project should cover all items listed in the proposal to be submitted by a Service Provider as per Section 3.

- The service providers are requested to submit the project proposals and costs in terms of percentages completed.
- The project costs will be paid in two phases; 1st payment will be paid when the project is 50% complete (first draft) and the last payment will paid on completion and council adoption.

SECTION 8: CRITERIA FOR EVALUATION OF PROPOSALS

PRICE AND FUNCTIONALITY 80 points

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>WEIGHTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Experience</td>
<td>30</td>
</tr>
<tr>
<td>2. Expertise</td>
<td>30</td>
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<td>3. Methodology</td>
<td>40</td>
</tr>
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<td></td>
<td>GRAND TOTAL 100</td>
</tr>
</tbody>
</table>


POINT SCORING

<table>
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<th>Points Allocation</th>
</tr>
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<tr>
<td><strong>Experience</strong></td>
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<tr>
<td>In possession of relevant qualification for policy development</td>
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</tr>
<tr>
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<td>Total = 40</td>
</tr>
<tr>
<td>No compliance with TOR</td>
<td>0</td>
</tr>
<tr>
<td>Partial compliance with TOR</td>
<td>0 - 15</td>
</tr>
<tr>
<td>Full compliance with TOR of a detailed work plan with time frames And clearly explaining how the project will be implemented.</td>
<td>0-25</td>
</tr>
</tbody>
</table>

Bidders should take note of the above technical (quality) evaluation criteria.

[a] All the necessary documentation must be submitted for the Evaluation Panel to make an informed evaluation. Evaluation of the Technical (Quality) Requirements will be based on the information provided by the bidder.

[i] **Experience** - The experience annexure must be completed. Only list projects of a similar nature undertaken.

[ii] **Expertise** – The qualifications and capacity of the company/team to undertake the work must be provided for evaluation purposes.

[iii] **Methodology** – The bidder must clearly demonstrate how the contract will be managed, detailing a work plan with timeframes and clearly explaining how the works will be implemented.

[b] A minimum total score of 60 points out of 100 must be obtained in order for the bid to proceed to the Financial Evaluation.

I, the undersigned, hereby confirm the acknowledgement of the Terms of Reference as part of the appointment.

…………………………..  ………………………..  ……………..
Project Manager        Office Stamp             Date
YOU ARE HEREBY INVITED TO BID FOR THE
DEVELOPMENT OF A ROAD MAINTENANCE POLICY FOR AMAHLATHI LOCAL MUNICIPALITY
TO THE REQUIREMENTS OF THE AMATHOLE DISTRICT MUNICIPALITY


DESCRIPTION: DEVELOPMENT OF A ROAD MAINTENANCE POLICY FOR AMAHLATHI LOCAL MUNICIPALITY

- The successful bidder will be required to fill in and sign a written Contract Form (MBD 7).
- Bid documents must be deposited in the bid box situated at 40 Cambridge Street East, London
- 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 General Conditions Of Contract (GCC) and, if applicable, any other Special Conditions Of Contract (SCC)

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

<table>
<thead>
<tr>
<th>Name Of Bidder</th>
<th>Postal Address</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Street Address</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>Code: Number:</td>
</tr>
<tr>
<td>Cellphone Number</td>
<td>Code: Number:</td>
</tr>
<tr>
<td>Facsimile Number</td>
<td>Code: Number:</td>
</tr>
<tr>
<td>Vat Registration Number</td>
<td></td>
</tr>
</tbody>
</table>

Has an original tax clearance certificate been submitted (MBD 2)? YES / NO
Are you the accredited representative in South Africa for the good/Services offered by you? YES / NO
(IF YES ENCLOSE PROOF)

SIGNATURE OF BIDDER

DATE

CAPACITY UNDER WHICH THIS BID IS SIGNED

TOTAL BID PRICE
TAX CLEARANCE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder’s tax obligations.

1. In order to meet this requirement bidders are required to complete in full the attached form TCC 001 “Application for a Tax Clearance Certificate” and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.

2. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.

3. The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.

4. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.

5. Copies of the TCC 001 “Application for a Tax Clearance Certificate” form are available from any SARS branch office nationally or on the website www.sars.gov.za.

6. Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.
### Application for a Tax Clearance Certificate

#### Purpose
- Select the applicable option: Tenders / Good standing
- If "Good standing", please state the purpose of this application

#### Particulars of applicant

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name/Legal name</td>
<td></td>
</tr>
<tr>
<td>(Initials &amp; Surname or registered name)</td>
<td></td>
</tr>
<tr>
<td>Trading name (if applicable)</td>
<td></td>
</tr>
<tr>
<td>ID/Passport no</td>
<td></td>
</tr>
<tr>
<td>Income Tax ref no</td>
<td></td>
</tr>
<tr>
<td>PAYE ref no</td>
<td>7</td>
</tr>
<tr>
<td>VAT registration no</td>
<td>4</td>
</tr>
<tr>
<td>SDL ref no</td>
<td>L</td>
</tr>
<tr>
<td>Customs code</td>
<td></td>
</tr>
<tr>
<td>UIF ref no</td>
<td>U</td>
</tr>
<tr>
<td>Telephone no</td>
<td></td>
</tr>
<tr>
<td>Fax no</td>
<td></td>
</tr>
<tr>
<td>E-mail address</td>
<td></td>
</tr>
<tr>
<td>Physical address</td>
<td></td>
</tr>
<tr>
<td>Postal address</td>
<td></td>
</tr>
</tbody>
</table>

#### Particulars of representative (Public Officer/Trustee/Partner)

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surname</td>
<td></td>
</tr>
<tr>
<td>First names</td>
<td></td>
</tr>
<tr>
<td>ID/Passport no</td>
<td></td>
</tr>
<tr>
<td>Income Tax ref no</td>
<td></td>
</tr>
<tr>
<td>Telephone no</td>
<td></td>
</tr>
<tr>
<td>Fax no</td>
<td></td>
</tr>
<tr>
<td>E-mail address</td>
<td></td>
</tr>
<tr>
<td>Physical address</td>
<td></td>
</tr>
</tbody>
</table>
Particulars of tender (if applicable)

Tender number

Estimated Tender amount

Expected duration of the tender: __________ year(s)

Particulars of the 3 largest contracts previously awarded

<table>
<thead>
<tr>
<th>Date started</th>
<th>Date finalised</th>
<th>Principal</th>
<th>Contact person</th>
<th>Telephone number</th>
<th>Amount</th>
</tr>
</thead>
</table>

Audit

Are you currently aware of any Audit investigation against you/the company? YES NO

If "YES" provide details

Appointment of representative/agent (Power of Attorney)

I the undersigned confirm that I require a Tax Clearance Certificate in respect of Tenders or Goodstanding.

I hereby authorise and instruct SARS to apply to and receive from the applicable Tax Clearance Certificate on my/our behalf.

Signature of representative/agent

Date

Name of representative/agent

Declaration

I declare that the information furnished in this application as well as any supporting documents is true and correct in every respect.

Signature of applicant/Public Officer

Date

Name of applicant/Public Officer

Notes:

1. It is a serious offence to make a false declaration.

   (a) fails or neglects to furnish, file or submit any return or document as and when required by or under this Act; or
   (b) without just cause shown by him, refuses or neglects to:
       (i) furnish, produce or make available any information, documents or things;
       (ii) reply to or answer truly and fully, any questions put to him ... As and when required in terms of this Act ... shall be guilty of an offence ...

3. SARS will, under no circumstances, issue a Tax Clearance Certificate unless this form is completed in full.

4. Your Tax Clearance Certificate will only be issued on presentation of your South African Identity Document or Passport (Foreigners only) as applicable.
This preference form must form part of all bids invited. It contains general information and serves as a claim form for Historically Disadvantaged Individual (HDI) preference points as well as a summary for preference points claimed for attainment of other specified goals.

**NB:** BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF EQUITY OWNERSHIP BY HISTORICALLY DISADVANTAGED INDIVIDUALS (HDIs), AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2001.

### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

   - the 80/20 system for requirements with a Rand value of up to R500 000; and
   - the 90/10 system for requirements with a Rand value above R500 000.

1.2 The value of this bid is estimated not to exceed R500 000 and therefore the 80/20 system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

   (a) Functionality and Price; and
   (b) Specific contract participation goals, as specified in the attached forms.

The points for this bid are allocated as follows:

<table>
<thead>
<tr>
<th>POINTS</th>
<th>80</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.3.1. PRICE &amp; FUNCTIONALITY</td>
<td></td>
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</tbody>
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CRITERIA FOR EVALUATION OF PROPOSALS

PRICE AND FUNCTIONALITY 80 points

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POINT SCORING

FUNCTIONAL ASSESSMENT – POINTS SCORING

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<thead>
<tr>
<th>Functional Category &amp; Description</th>
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[a] All the necessary documentation must be submitted for the Evaluation Panel to make an informed evaluation. Evaluation of the Technical (Quality) Requirements will be based on the information provided by the bidder.
[i] **Experience** - The experience annexure must be completed. Only list projects of a similar nature undertaken.

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[iii] **Methodology** – The bidder must clearly demonstrate how the contract will be managed, detailing a work plan with timeframes and clearly explaining how the works will be implemented.

[b] A minimum total score of 60 points out of 100 must be obtained in order for the bid to proceed to the Financial Evaluation.

I, the undersigned, hereby confirm the acknowledgement of the Terms of Reference as part of the appointment.

…………………………..  ……………………………  ……………………………
Project Manager  Office Stamp  Date
1.3.1.2 **SPECIFIC CONTRACT PARTICIPATION GOALS**

(a) **Historically Disadvantaged Individuals:**

(i) who had no franchise in national elections before the 1983 and 1993 Constitutions

(ii) who is a female

(iii) who has disability

(b) **Other specific goals (goals of the RDP– plus local manufacture)**

(i) Dimiciled in the ADM and BCM Areas

Total points for Price, HDIs and other RDP-Goals must not exceed 100

Separate Preference Points Claim Forms will be used for the Promotion of the specific goals for which points have been allocated in paragraph 1.3.1.2 (b) above.

1.4 Failure on the part of a bidder to fill in and/or to sign this form may be interpreted to mean that preference points are not claimed.

1.5. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to Preferences, in any manner required by the purchaser.

2. **GENERAL DEFINITIONS**

2.1. **“Acceptable bid”** means any bid which, in all respects, complies with the specifications and conditions of bid as set out in the bid document.

2.2 **“Bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods, works or services.

2.3 **“Comparative price”** means the price after the factors of non-firm price and all unconditional discounts that can be utilised have been taken into consideration.

2.4 **“Consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skills and knowledge in an activity for the execution of a contract.

2.5 **“Contract”** means the agreement that results from the acceptance of a bid by an organ of state.
2.6 "Specific contract participation goals" means the goals as stipulated in the Preferential Procurement Regulations 2001.

2.7 In addition to above-mentioned goals, the Regulations [12.(1)] also make provision for organs of state to give particular consideration to procuring locally manufactured products.

2.8 "Control" means the possession and exercise of legal authority and power to manage the assets, goodwill and daily operations of a business and the active and continuous exercise of appropriate managerial authority and power in determining the policies and directing the operations of the business.

2.9 "Disability" means, in respect of a person, a permanent impairment of a physical, intellectual, or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being.

2.10 "Equity Ownership" means the percentage ownership and control, exercised by individuals within an enterprise.

2.11 "Historically Disadvantaged Individual (HDI)" means a South African citizen

(1) who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act No 110 of 1983) (Act No 200 of 1993) ("the interim Constitution); and/or

(2) who is a female; and/or

(3) who has a disability:

provided that a person who obtained South African citizenship on or after the coming to effect of the Interim Constitution, is deemed not to be a HDI;

2.12 Management" means an activity inclusive of control and performed on a daily basis, by any person who is a principal executive officer of the company, by whatever name that person may be designated, and whether or not that person is a director.

2.13 "Owned" means having all the customary elements of ownership, including the right of decision-making and sharing all the risks and profits commensurate with the degree of ownership interests as demonstrated by an examination of the substance, rather than the form of ownership arrangements.

2.14 "Person" includes reference to a juristic person.
2.15 "Rand value" means the total estimated value of a contract in Rand denomination that is calculated at the time of bid invitations and includes all applicable taxes and excise duties.

2.16 "Small, Medium and Micro Enterprises (SMMEs)" bears the same meaning assigned to this expression in the National Small Business Act, 1996 (No 102 of 1996).

2.17 "Sub-contracting" means the primary contractor’s assigning or leasing or making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

2.18 "Trust" means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person.

2.19 "Trustee" means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. **ESTABLISHMENT OF HDI EQUITY OWNERSHIP IN AN ENTERPRISE**

3.1 Equity ownership shall be equated to the percentage of an enterprise which is owned by individuals classified as HDI’s, or in the case of a company, the percentage shares that are owned by individuals classified as HD’s, who are actively involved in the management and daily business operations of the enterprise and exercise control over the enterprise, commensurate with their degree of ownership.

3.2 Where individuals are not actively involved in the management and daily business operations and do not exercise control over the enterprise commensurate with their degree of ownership, equity ownership may not be claimed.

4. **ADJUDICATION USING A POINT SYSTEM**

4.1 The bidder obtaining the highest number of points will be awarded the contract.

4.2 Preference points shall be calculated after prices have been brought to a comparative basis.

4.3 Points scored will be rounded off to 2 decimal places.

4.4 In the event of equal points scored, the bid will be awarded to the bidder scoring the highest number of points for specified goals.
5. POINTS AWARDED FOR PRICE

5.1 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

\[ Ps = 80 \left(1 - \frac{Pt - P_{\text{min}}}{P_{\text{min}}} \right) \]

or 90/10

\[ Ps = 90 \left(1 - \frac{Pt - P_{\text{min}}}{P_{\text{min}}} \right) \]

Where
- \( Ps \) = Points scored for price of bid under construction
- \( Pt \) = Rand value of bid under consideration
- \( P_{\text{min}} \) = Rand value of lowest acceptable bid

6. Points awarded for historically disadvantaged individuals

6.1 In terms of Regulation 13 (2) preference points for HDI’s are calculated on their percentage shareholding in a business, provided that they are actively involved in and exercise control over the enterprise. The following formula is prescribed in Regulation 13 (5) (c):

\[ \text{NEP} = \frac{\text{NOP} \times \text{EP}}{100} \]

Where
- \( \text{NEP} \) = Points awarded for equity ownership by an HDI
- \( \text{NOP} \) = The maximum number of points awarded for equity ownership by an HDI in that specific category
- \( \text{EP} \) = The percentage of equity ownership by an HDI within the enterprise or business, determined in accordance with the definition of HDI’s.

6.2 Equity claims for a trust will only be allowed in respect of those persons who are both trustees and beneficiaries and who are actively involved in the management of the trust.

6.3 Documentation to substantiate the validity of the credentials of the trustees contemplated above must be submitted.
6.4 Listed companies and tertiary institutions do not qualify for HDI preference points.

6.5 A consortium or joint venture may, based on the percentage of the contract value managed or executed by their HDI members, be entitled to preference points in respect of an HDI.

6.6 A person awarded a contract as a result of preference for contracting with, or providing equity ownership to an HDI, may not subcontract more than 25% of the value of the contract to a person who is not an HDI or does not qualify for the same number or more preference for equity ownership.

7. BID DECLARATION

7.1 Bidders who claim points in respect of equity ownership must complete the Bid Declaration at the end of this form.

8. EQUITY OWNERSHIP CLAIMED IN TERMS OF PARAGRAPH 2.10 ABOVE. POINTS TO BE CALCULATED FROM INFORMATION FURNISHED IN PARAGRAPH 9.8.

<table>
<thead>
<tr>
<th>Ownership</th>
<th>Percentage owned</th>
<th>Points claimed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>8.1</strong> Equity ownership <strong>by persons who</strong> had no franchise in the national elections</td>
<td>%</td>
<td>...........................................</td>
</tr>
<tr>
<td><strong>8.2</strong> Equity ownership <strong>by woman</strong></td>
<td>%</td>
<td>...........................................</td>
</tr>
<tr>
<td><strong>8.3</strong> Equity ownership <strong>by disabled persons</strong>*</td>
<td>%</td>
<td>...........................................</td>
</tr>
</tbody>
</table>

*If points are claimed for disabled persons, indicate nature of impairment (see paragraph 2.9 above)

.........................................................................................................................................................................................................................................................................................................................................................................................

9 DECLARATION WITH REGARD TO EQUITY

9.1 Name of firm .................................................................
9.2 Vat registration number ...................................................
9.3 Company registration number .............................................
9.4 Date of Establishment .......................................................
9.5 **TYPE OF FIRM**

- Partnership
- One person business/sole trader
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

9.6 **DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

............................................................................................................................
............................................................................................................................
............................................................................................................................
............................................................................................................................

9.7 **COMPANY CLASSIFICATION**

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

9.8 **TOTAL NUMBER OF YEARS THE FIRM HAS BEEN IN BUSINESS?**

9.9 List all Shareholders by Name, Position, Identity Number, Citizenship, HDI status and ownership, as relevant. Information to be used to calculate the points claimed in paragraph 8.

<table>
<thead>
<tr>
<th>Name</th>
<th>Date/Position Occupied in Enterprise</th>
<th>ID Number</th>
<th>Date RSA Citizenship obtained</th>
<th><em>HDI STATUS</em></th>
<th>% of business/enterprise owned</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>No franchise prior to elections</td>
<td>Women</td>
</tr>
</tbody>
</table>

*Indicate YES or NO
9.10 **Consortium / Joint Venture**

9.10.1 In the event that preference points are claimed for HDI members by consortia / joint ventures, the following information must be furnished in order to be entitled to the points claimed in respect of the HDI member

<table>
<thead>
<tr>
<th>Name of HDI member (to be consistent with paragraph 9.8)</th>
<th>Percentage (%) of the contract value managed or executed by the HDI member</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

9.11 I/we, the undersigned, who warrants that he/she is duly authorised to do so on behalf of the firm certify that points claimed, based on the equity ownership, indicated in paragraph 8 of the foregoing certificate, qualifies the firm for the preference(s) shown and I/ we acknowledge that:

(i) The information furnished is true and correct.

(ii) The Equity ownership claimed is 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 paragraph 8, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct.

(iv) If the claims are found to be incorrect, the purchaser may, in addition to any other remedy it may have –

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

(b) 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,

**WITNESSES:**

1. ..........................................................

2. ..........................................................

<table>
<thead>
<tr>
<th>SIGNATURE(S) OF BIDDER(S)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

DATE:.................................

ADDRESS:..................................
PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2001

(PROMOTION OF ENTERPRISES LOCATED IN A SPECIFIC MUNICIPAL AREA)


1. Regulation 17(3) (g) of the Preferential Procurement Regulations makes provision for the promotion of enterprises located in a specific municipal area for work to be done or services to be rendered in that municipal area.

2. The promotion of this goal can be achieved by acquiring goods and services from enterprises within the Amathole District Municipality and Buffalo City Municipality. This includes an enterprise whose head office may be situated in elsewhere, but has established a fully-fledged branch within this Municipal area. Enterprises located outside the borders of this Municipality and who only appoint agents and/or commission warehouses in this Municipal Area are expressly excluded from claiming points for this goal.

<table>
<thead>
<tr>
<th>SPECIFIC GOAL</th>
<th>POINTS ALLOCATED</th>
</tr>
</thead>
<tbody>
<tr>
<td>The stimulation of the Provincial economy by procuring locally from enterprises located within the borders of the ADM and BCM.</td>
<td>4</td>
</tr>
</tbody>
</table>

3. Preference points may only be claimed by enterprises located within the ADM and BCM areas. (See paragraph 2 above).

4. BID DECLARATION

Bidders who wish to claim points in respect of this specific goal must complete the declaration part of this form.

5. POINTS CLAIMED

Bidder to indicate whether the point(s) allocated for enterprises situated within the ADM and BCM areas is/are claimed.

Yes/No
6. **DECLARATION WITH REGARD TO LOCALITY**

State full particulars of locality of enterprise as well as that of Head Office:

<table>
<thead>
<tr>
<th>Address of Local Enterprise:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical Address:</td>
<td>Postal Address:</td>
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<tr>
<td></td>
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<tr>
<td>Telephone:</td>
<td>Fax:</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Address of Head Office:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical:</td>
<td>Postal:</td>
</tr>
<tr>
<td></td>
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</tr>
<tr>
<td>Telephone</td>
<td>Fax:</td>
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</tbody>
</table>

I/we, the undersigned, who warrants that he/she is duly authorised to do so on behalf of the enterprise certify that the enterprise is entitled to the points allocated in paragraph 2 of this form and I/we acknowledge that:

(i) The information furnished is true and correct.

(ii) In the event of a contract being awarded as a result of points claimed, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claim is correct.

(iii) If the claim is found to be incorrect, the purchaser may, in addition to any other remedy it may have:

   (a) recover all costs, losses or damages it has incurred or suffered as a result of wrong information furnished; and

   (b) 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;

**WITNESSES:**

1. ............................................

   ..........................................................................................................................

   SIGNATURE(S) OF BIDDER(S)

2. ..................................................  DATE:.............................................
NB: Use ink, preferably black, to fill in the information applicable to the specific required quotation

CLOSING TIME: 11:00 ON: 25 AUGUST 2011

PRICE QUOTATION NO: .......... VALIDITY: 30 DAYS

<table>
<thead>
<tr>
<th>ITEM</th>
<th>QTY</th>
<th>DESCRIPTION</th>
<th>PRICE IN RAND CURRENCY INCLUSIVE OF VAT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>See Schedule DEVELOPMENT OF A ROAD MAINTENANCE POLICY FOR AMAHLATHI LOCAL MUNICIPALITY</td>
<td>R..........................</td>
<td></td>
</tr>
</tbody>
</table>

Trade mark and model:______________________________________________________________

Country of origin:______________________________________________________________

POINTS CLAIMED:

No franchise prior to 1983/1993:____________________________________________________

Woman Equity Ownership:____________________________________________________________

Disability Equity Ownership:________________________________________________________

Other (RDP goals):________________________________________________________________

% **EQUITY OWNED BY HISTORICALLY DISADVANTAGED INDIVIDUALS:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Date / Position Occupied in Enterprise</th>
<th>ID Number</th>
<th>Date RSA Citizenship obtained</th>
<th>*HDI STATUS-</th>
<th>% of business / enterprise owned</th>
</tr>
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<td>No franchise prior to elections</td>
<td>Women</td>
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**DELIVERY BASIS:**

(i) Is the delivery period firm? *YES / NO

(ii) Period required for delivery after receipt of order: _________________

Is the price (inclusive of VAT) firm? *YES / NO

Discount offered (conditional/unconditional): _________________

Is offer strictly to specification/terms of reference, if attached? *YES / NO

If not specification/terms of reference, state deviation (s): _________________

(1) Name of taxpayer/quoter: ________________________________

(2) Identification Document number: ____________________________

(3) Trade name: _____________________________________________

(4) Company/Close Corporation registration number: ____________________
(5) Income tax reference number:
(Original of Income Tax Clearance Certificate to be attached)

(6) VAT registration number (if applicable):

(7) PAYE employer’s registration number (if applicable)

**Bank Details** (if applicable):

Bank Name:

Bank Branch Code:

Account Holder:

Bank Account number:

Bank Account type:

**CONTACT PERSON:**

Signature: Name in print:

Telephone No: Code: No:

Cellphone No: Code: No:

E-mail address:

Address: Postal Code:

_____________________________
Bidders must furnish hereunder details of similar works/service, which they have satisfactorily completed in the past. The information shall include a description of the Works, the Contract value and name of Employer.

<table>
<thead>
<tr>
<th>EMPLOYER</th>
<th>NATURE OF WORK</th>
<th>VALUE OF WORK</th>
<th>DURATION AND COMPLETION DATE</th>
<th>EMPLOYER CONTACT NO.</th>
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DATE  SIGNATURE OF BIDDER
PAST EXPERIENCE 2

Bidders must furnish hereunder details of similar works/service, which they have satisfactorily completed in the past. The information shall include a description of the Works, the Contract value and name of Employer.

<table>
<thead>
<tr>
<th>PROJECT NAME</th>
<th>AWARDED AMOUNT</th>
<th>CONTRACT START DATE</th>
<th>ANTICIPATED / ACTUAL COMPLETION DATE</th>
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</table>

……………………………..

DATE

SIGNATURE OF BIDDER
DECLARATION OF INTERESTS (KINSHIP, RELATIONSHIP WITH PERSONS EMPLOYED BY ADM)

In terms of the Municipal Housing Management Regulations, no person or persons employed by the State may be awarded a bid by any municipality.

Any legal person, or persons having a kinship with persons employed by the ADM including a blood relationship, may make an offer in terms of this bid invitation. In view of possible allegations of favouritism, should the resulting bid or part thereof be awarded to persons connected with or related to an employee of ADM, it is required that the bidder or his/her authorized representative declare his position vis-à-vis the evaluating authority and/or take an oath declaring his/her interest, where—

- the legal person on who’s behalf the bid document is signed, has a relationship with persons/a person who are/is involved with the evaluation of the bid(s), or where it is known that such a relationship exists between the person or persons for or on who’s behalf the declarer acts and persons who are involved with the evaluation of the bid.

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

Do you, or any person have any relationship (family, friend, other) with a person employed with the ADM or its Administration and who may be involved with the evaluation, preparation and/or adjudication of this bid?

Yes/No

If so, state particulars

Are you or any other person connected with the bid, employed by any organ of State?

Yes/No

If so, state particulars

SIGNATURE OF DECLARER

DATE

POSITION OF DECLARER

NAME OF COMPANY OR BIDDER
DECLARATION OF INTEREST (IN THE SERVICE OF THE STATE) (MBD 4)

1. In terms of the Municipal Housing Management Regulations any person employed by the state, or persons having a kinship with persons employed by the state cannot make an offer in terms of this invitation to bid.

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

2.1 Are you or any person connected with the bidder, employed by the state?  
YES / NO

2.1.2 If so, state particulars.

______________________________________________________________

DECLARATION

I, the undersigned (name)........................................................................................................................................

certify that the information furnished in paragraphs 2.1 to 2.3.1 above is correct. I accept that the state may act against me in terms of paragraph 23 of the general conditions of contract should this declaration prove to be false.

______________________________________________________________

Signature  Date

______________________________________________________________

Position  Name of bidder
DECLARATION (VALIDITY OF INFORMATION PROVIDED)

I………………………………………………………………….declare that the information provided is true and correct, the signature to the bid document is duly authorised and documentary proof regarding any bidding issue will, when required, be submitted to the satisfaction of the Amathole District Municipality.

SIGNATURE OF DECLARER                     DATE

POSITION OF DECLARER                     NAME OF COMPANY OF BIDDER

Should the bidder have, in the opinion of the ADM, acted fraudulently illegally, in bad faith or in any improper manner, misrepresented itself with regard to the bid, then the ADM may, in its sole discretion:

* Ignore any bids without advising the bidder thereof
* Cancel the contract without prejudice to any legal rights the ADM may have

Should the bidder disregard this or conduct affairs in a way that transgresses from good business practices, this could seriously impair future business relations between the ADM and such bidder.
DECLARATION OF BIDDER’S PAST HOUSING 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 housing 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 housing 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.

<table>
<thead>
<tr>
<th>Item</th>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>Is the bidder or any of its directors listed on the National Treasury’s database as a company or person 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 National Treasury after the <em>audi alteram partem</em> rule was applied).</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4.1.1</td>
<td>If so, furnish particulars:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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)?
(To access this Register enter the National Treasury’s website, [www.treasury.gov.za](http://www.treasury.gov.za), click on the icon “Register for Tender Defaulters” or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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<tbody>
<tr>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

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?

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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<tbody>
<tr>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

4.3.1 If so, furnish particulars:

<table>
<thead>
<tr>
<th>Item</th>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.4</td>
<td>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?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.4.1</td>
<td>If so, furnish particulars:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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?

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

4.5.1 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 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 *per 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

2
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
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