



## MAKHUDUTHAMAGA LOCAL MUNICIPALITY

**PROJECT NO: LIM 473/FORENSIC/13/14/015**

**PROPOSALS FROM EXPERIENCED SPECIAL INVESTIGATORS TO ASSIST THE MUNICIPALITY IN RECOVERY OF THE ASSET/PLANT, RECOMMEND FLEET MANAGEMENT TOOLS, ASSIST THE MUNICIPALITY IN CASE THIS MATTER INVOLVED LITIGATIONS.**

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<b>NAME OF BIDDER</b>	:
<b>TENDER AMOUNT</b>	:
<b>TEL NUMBER</b>	:
<b>FAX NUMBER</b>	:
<b>EMAIL ADDRESS</b>	:

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# MAKHUDUTHAMAGA LOCAL MUNICIPALITY



PROPOSALS FROM EXPERIENCED SPECIAL INVESTIGATORS TO ASSIST THE MUNICIPALITY IN RECOVERY OF THE ASSET/PLANT, RECOMMEND FLEET MANAGEMENT TOOLS, ASSIST THE MUNICIPALITY IN CASE THIS MATTER INVOLVED LITIGATIONS.

Open date: 2<sup>nd</sup> September 2013

## Bid Notice and Invitation to Bid

Proposals are hereby invited from experienced professional town planning and surveying consultants for the provision of professional services for the following project:

No.	Project No.	Project Name
1	LIM 473/FORENSIC/13/14/015	Recovery of asset/Plant, Recommend/ provide future fleet management system and assistance in case of litigations

The employer is Makhuduthamaga Local Municipality represented by the Municipal Manager. Bid documents will be obtainable (at no Cost/Charge) during working hours (07h30 to 16h30, Monday to Friday) as from **the 03<sup>rd</sup> of September 2013** from cashier's office of Makhuduthamaga Local Municipality offices located at Jane-Furse next to Jane Furse Plaza.

Completed and signed tender documents must be sealed in an envelope and **marked with the relevant project description and project number** and be deposited in the tender box at Makhuduthamaga Local Municipality Offices in Jane Furse before the closing date and time. **Closing date and time for the submission of proposals is the 16<sup>th</sup> of September 2013 at 10H00.**

The municipality shall adjudicate and award bids in accordance with the Preferential Procurement Policy Framework Act. 5/2000 and the revised Regulation June 2011 on a100 points for functionality and 80/20 points system where 80 points are for the price and 20 points for BBBEE according to the said legislation. Details on functionality are in the bid document. Bidders are required to sign where necessary and initial every page of the bid document. Bids will remain valid for 90 (ninety) days.

For enquiries contact: 013 265 8600 or 013 265 8625

Budget & Treasury: Mrs. Diale D.S.

Supply Chain Unit: Mr. M.A. Malekana

Malekana M.A.  
Manager: SCM

Mphele T.M.  
Acquisition Officer

**PROPOSALS FROM EXPERIENCED SPECIAL INVESTIGATORS TO ASSIST THE MUNICIPALITY IN RECOVERY OF THE ASSET/PLANT, RECOMMEND FLEET MANAGEMENT TOOLS, ASSIST THE MUNICIPALITY IN CASE THIS MATTER INVOLVED LITIGATIONS.**

## **1.2 Bid Data**

Bid offers will only be accepted if the bidder is free of any common conflict of interest with the Makhuduthamaga Local Municipality.

<b>Part Number</b>	<b>Bid Data</b>
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1.2.1.	The employer is <b>MAKHUDUTHAMAGA LOCAL MUNICIPALITY</b>
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1.2.2	The bid documents issued by the employer comprise:
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1.1	Bid notice and invitation to bid
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1.2	Bid data
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2.1	List of returnable documents
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	<b>Part 1: Agreements and contracts data</b>
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C1.1	Form of offer and acceptance
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	<b>Part 2: Pricing data</b>
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C2.1	Pricing instructions
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C2.2	Specification
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1.2.3	The employer's agent is: Mr. Moropa M.E.
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Tel:	(013) 265 8600
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Fax:	(013) 265 1975
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1.2.4	Only those bidders who satisfy the following are eligible to submit bids.
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	Only those bidders whose tax matters are confirmed to be in order (SARS Confirmed).
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1.2.5	The arrangements for a compulsory clarification meeting are as stated in the Bid Notice and Invitation to Bid.
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1.2.6	If a bidder wishes to submit an alternative bid offer, the only criteria permitted for such alternative bid offer is that it demonstrably enables the Employer's objectives for the services as stated in the Scope of Work to be achieved.
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1.2.7	All parts of each bid offer communicated on paper shall be submitted as the original.
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1.2.8	The employer's address for delivery of bid offers and identification details to be shown on each bid offer package is:
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**BID BOX (TENDER BOX)  
MAKHUDUTHAMAGA LOCAL MUNICIPALITY  
GROBLERSDAL ROAD  
JANE FURSE**

- 1.2.9 The closing time for submission of bid offers is as stated in the Bid Notice and Invitation to Bid.
- 1.2.10 Telephonic, telegraphic, telex, facsimile or e-mailed bid offers will not be accepted.
- 1.2.11 The bid offer validity period is ninety (90) days.
- 1.2.12 The bidder is required to submit with his/her bid an **original, valid** Tax Clearance Certificate issued by the South African Revenue Services as part of the eligibility criteria.
- 1.2.13 The Bid/Proposal will be opened immediately after the closing time for bids only to confirm the bidder, at:

**MAKHUDUTHAMAGA LOCAL MUNICIPALITY  
GROBLERSDAL ROAD  
JANE FURSE**

- 1.2.14 **The procedure for the evaluation of responsive bids will be on 80/20 points system, where 80 points are for price and 20 points are for B-BBEE**

The procedure for the evaluation of responsive bids is **Method 4**

The score for quality is to be calculated using the following formula:

$$W_Q = W_2 \times S_O / M_S$$

Where  $W_2$  is the percentage score given to quality and equals 100%

$S_O$  is the score for quality allocated to the submission under consideration

$M_S$  is the maximum possible score for quality in respect of a submission

The quality criteria and maximum score in respect of each of the criteria are as follows:

Quality Criteria	Sub-Criteria	Weighting
Approach paper which responds to the proposed scope of work/project design and outlines proposed approach / methodology and work plan complete with time frames	Technical approach and methodology	15
Organization and staffing		15
Experience of the key staff (assigned personnel) in relation to the scope of work	Project Leader	15
	General qualifications	10
	Adequacy for the assignment	10
PSP's experience with respect to specific aspects of the project / comparable projects	-	20
Evidence of comparable projects	Evidence	15
<b>Maximum possible score for quality (<math>M_S</math>)</b>		<b>100 points</b>

Quality shall be scored independently by the evaluator in accordance with the following schedules:

- Evaluation Schedule: Approach Paper
- Evaluation Schedule: Proposed Organization and Staffing
- Evaluation Schedule: Experience of the Key Staff
- Evaluation Schedule: Bidder's Experience

Functionality will be assessed by applying a value system of: 1= Poor, 2=Acceptable, 3=Good, 4=Very Good and 5= Excellent. Minimum score for functionality is 60%

The minimum number of evaluation points for quality is 60. Bidders who score below 60 points will be eliminated from the process.

Bidders who score 60 points and above, the second envelope containing financial offer will be opened and evaluated on a 90/10 point system where 80 points will be for price (Professional Fees inclusive of all disbursements and specialised services) and 10 points will be for Preferences as specified below.

The 20 points will be allocated according to B-BBEE certificates.

### Evaluation Schedule: Proposed Organization and Staffing

The bidder should propose the structure and composition of their team i.e. the main disciplines involved, the key staff member / expert responsible for each discipline, and the proposed technical and support staff. The roles and responsibilities of each key staff member / expert should be set out as job descriptions. In the case of an association / joint venture / consortium, it should, indicate how the duties and responsibilities are to be shared.

The bidder must attach his / her organization and staffing proposals to this page.

The scoring of the proposed organization and staffing will be as follows:

<b>1 ( Poor)</b>	The organization chart is sketchy and the staffing plan is weak in important areas, or the staffing schedule is inconsistent with the timing of the most important deliverables. There is no clarity in allocation of tasks and responsibilities.
<b>2 (Acceptable)</b>	The organization chart is sketchy and the staffing plan is good in important areas, or the staffing schedule is consistent with the timing of the most important deliverables. There is clarity in allocation of tasks and responsibilities.
<b>3 (Good)</b>	The organizational chart is complete and detailed, the technical level and composition of the staffing arrangements are adequate and staffing is consistent with both timing and deliverables.
<b>4 (Very Good)</b>	Besides meeting the "satisfactory" rating, staff are well balanced i.e. they show good co-ordination, complimentary skills, clear and defined duties and responsibilities, and limited number of short term experts. Some members of the project team have worked together before on limited occasions.
<b>5 (Excellent)</b>	Besides meeting the "good" rating, the proposed team is well integrated and several members have worked together extensively in the past.

The undersigned, who warrants that he / she is duly authorized to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

Bidder \_\_\_\_\_

## Evaluation Schedule: Experience of Key Staff

Experience of the key staff (assigned personnel) in relation to the scope of work will be evaluated from three different points of view:

- 1) General experience (total duration of professional activity), level of education and training and positions held of each key staff member / expert member.
- 2) The education, training and experience of the key staff members / experts, in the specific sector, field, subject, etc which is directly linked to the scope of work.
- 3) The key staff members' / experts' knowledge of issues pertinent to the project e.g. local conditions, affected communities, legislation, etc.

A CV of each key staff member of not more than 2 pages should be attached to this schedule. The CV should be structured under the following headings:

1. Personal particulars
  - name
  - date and place of birth
  - place(s) of tertiary education and dates associated therewith
  - professional awards
2. Qualifications (degrees, diplomas, grades of membership of professional societies and professional registrations).
3. Name of current employer and position in enterprise.
4. Overview of post graduate / diploma experience (year, organization and position).
5. Outline of recent assignments / experience that has a bearing on the scope of work.

The scoring of the relevant experience of key staff that will be active in the project will be as follows:

Score	General Qualifications (Greater weighting will be given to the team leader)	Adequacy for the Assignment (Greater weighting will be given to the team leader)	Experience in the Region (Greater weighting will be given to the team leader)
<b>1 (Poor)</b>	Key staff have very limited levels of general experience	Key staff have very limited levels of project specific education, training and experience	Key staff have very limited experience of issues pertinent to the project(0 – 1 year)
<b>2 (Acceptable)</b>	Key staff have limited levels of general experience	Key staff have limited levels of project specific education, training and experience	Key staff have limited experience of issues pertinent to the project(>1 - 2 years)
<b>3 (Good)</b>	Key staff have reasonable levels of general experience	Key staff have reasonable levels of project specific education, training and experience	Key staff have reasonable experience of issues pertinent to the project(>2 – 3 years)
<b>4 (Very Good)</b>	Key staff have extensive levels of general experience	Key staff have extensive levels of project specific education, training and experience	Key staff have extensive experience of issues pertinent to the project(>3 - 4 years)
<b>5 (Excellent)</b>	Key staff have outstanding levels of general experience	Key staff have outstanding levels of project specific education, training and experience	Key staff have outstanding experience of issues pertinent to the project(>4 years)

The undersigned, who warrants that he / she is duly authorized to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

Bidder \_\_\_\_\_



## Evaluation Schedule: Bidder's Experience

The scoring of the bidder's experience will be as follows:

<b>1(Poor)</b>	Key bidder have very limited levels of general experience (0 – 1 year)
<b>2 (Acceptable)</b>	Key bidder have limited levels of general experience (>1 - 2 years)
<b>3 (Good)</b>	Key bidder have reason-able levels of general experience (>2 – 3 years)
<b>4 (Very Good)</b>	Key bidder have extensive levels of general experience (>3 -4 years)
<b>5 (Excellent)</b>	Key bidder have outstanding levels of general experience (>4 years)

The undersigned, who warrants that he / she is duly authorized to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge ad are to the best of my belief both true and correct.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

Bidder \_\_\_\_\_

1.2.15 Bid offers will only be accepted if:

- 1.2.15.1 The bidder has attached an original valid Tax Clearance certificate issued by the South African Revenue Services;
- 1.2.15.2 The bidder or any of its directors is not listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector;
- 1.2.15.3 The bidder has not:
  - abused the Employer's Supply Chain Management System; or
  - failed to perform on any previous contract and has been given a written notice to this effect;
- 1.2.15.4 The bidder has completed the Compulsory Enterprise questionnaire and there are no conflicts of interest which may impact on the bidder's ability to perform the contract in the best interests of the employer or potentially compromise the bid process; and
- 1.2.15.5 Proof of municipal rates and taxes for both the company and the directors are attached.
- 1.2.15.6 The bidder has attached company registration certificate
- 1.2.15.7 The bidder or any of its directors is not employed by the State

## **2. CRITERIA FOR THE AWARDING OF CONTRACTS**

According to the Preferential Procurement Framework Act and Regulations a preference point system must be followed:

### **2.1 The 80/20 Preference Point System**

- a) The following formula must be used to calculate the points for price in respect of tenders/procurement with a Rand value equal to, or above R30 000 and up to a Rand value of R1000 000.00. Organs of state may, however, apply this formula for procurement with a value less than R30 000, if and when appropriate:

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

Where

Ps = Points scored for price of tender under consideration

Pt = Rand value offer tender consideration

Pmin = Rand value of lowest acceptable tender

- b) A maximum of 20 points will be awarded to a tenderer according to the B-BBEE verification level certificate.
- c) The points scored by a tender in respect of the goals contemplated in sub-regulation (2) must be added to the points scored for price.

- d) Only the tender with the highest number of points scored will be selected.

### 2.3 The 90/10 Preference Point System

- a) The following formula must be used to calculate the points for price in respect of tenders/procurement with a Rand value above R1000 000.00:

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

Where

Ps = Points scored for price of tender under consideration

Pt = Rand value of tender under consideration

Pmin = Rand value of lowest acceptable tender

- b) A maximum of 10 points may be awarded to a tenderer according to the B-BBEE verification level certificate
- c) The points scored by a tenderer in respect of the goals contemplated in sub-regulation (2) must be added to the points scored for price.
- d) Only the tender with the highest number of points scored may be selected.

## 3. Standard Conditions to Bid

### 3.1. General

#### 3.1.1. Actions

The employer and each bidder submitting a bid offer shall comply with these conditions of bid. In their dealings with each other, they shall discharge their duties and obligations as set out in, timeously and with integrity, and behave equitably, honestly and transparently.

#### 3.1.2. Interpretation

3.1.3. The bid data and additional requirements contained in the bid schedules that are included in the returnable documents are deemed to be part of these conditions of bid.

3.1.4. These conditions of bid, the bid data and bid schedules which are only required for bid evaluation purposes, shall not form part of any contract arising from the invitation to bid.

**3.1.5.** For the purposes of these conditions for the calling for expressions of interest, the following definitions apply:

- a) **comparative offer** means the bidder's financial offer after the factors of all unconditional discounts and any other bid parameters that will affect the value of the financial offer have been taken into consideration
- b) **corrupt practice** means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the bid process; and
- c) **fraudulent practice** means the misrepresentation of the facts in order to influence the bid process or the award of a contract arising from a bid offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels

### **3.1.6. Communication and Employer's Agent**

Each communication between the employer and a bidder shall be to or from the employer's agent only, and in a form that can be read, copied and recorded. Writing shall be in the English language. The employer shall not take any responsibility for non-receipt of communications from or by a bidder. The name and contact details of the employer's agent are stated in the bid data.

### **3.1.7. The employer's right to accept or reject any bid offer**

**3.1.8.** The employer may accept or reject any variation, deviation, bid offer, or alternative bid offer, and may cancel the bid process and reject all bid offers at any time before the formation of a contract. The employer shall not accept or incur any liability to a bidder for such cancellation and rejection, but will give written reasons for such action upon written request to do so.

**3.1.9.** The employer may not subsequent to the cancellation or abandonment of a bid process or the rejection of all responsive bid offers re-issue a bid covering substantially the same scope of work within a period of six months unless only one bid was received and such bid was returned unopened to the bidder.

## **4. Bidder's Obligations**

### **4.1. Eligibility**

Submit a bid offer only if the bidder satisfies the criteria stated in the bid data and the bidder, or any of his principals, is not under any restriction to do business with the employer.

### **4.2. Cost of Bidding**

Accept that the employer will not compensate the bidder for any costs incurred in the preparation and submission of a bid offer, including the costs of any testing necessary to demonstrate that aspects of the offer satisfy requirements.

### **4.3 Check Documents**

Check the bid documents on receipt for completeness and notify the employer of any discrepancy or omission.

### **4.4 Confidentiality and Copyright of Documents**

Treat as confidential all matters arising in connection with the bid. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a bid offer in response to the invitation.

#### **4.5 Reference Documents**

Obtain, as necessary for submitting a bid offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are not attached but which are incorporated into the bid documents by reference.

#### **4.6 Acknowledge Addenda**

Acknowledge receipt of addenda to the bid documents, which the employer may issue, and if necessary apply for an extension to the closing time stated in the bid data, in order to take the addenda into account.

#### **4.7 Clarification Meeting**

Attend, where required, a clarification meeting at which bidders may familiarize themselves with aspects of the proposed work, services or supply and raise questions. Details of the meeting(s) are stated in the bid data.

#### **4.8 Seek Clarification**

Request clarification of the bid documents, if necessary, by notifying the employer at least five working days before the closing time stated in the bid data.

### **5. Pricing the Bid Offer**

**5.1** Include in the rates, prices, and the bid total of the prices (if any) all duties, Taxes (except Value Added Tax (VAT), and other levies payable by the successful bidder, such duties, taxes and levies being those applicable 14 days before the closing time stated in the bid data.

**5.2** Show VAT payable by the employer separately as an addition to the total bid prices.

### **6. Alterations to Documents**

Do not make any alterations or additions to the bid documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the bidder. All signatories to the bid offer shall initial all such alterations. Erasures and the use of masking fluid are prohibited.

#### **6.1. Alternative Bid Offers**

Submit alternative bid offers only if a main bid offer, strictly in accordance with all the requirements of the bid documents, is also submitted. The alternative bid offer is to be submitted with the main bid offer together with a schedule that compares the requirements of the bid documents with the alternative requirements the bidder proposes.

Accept that an alternative bid offer may be based only on the criteria stated in the bid data or criteria otherwise acceptable to the employer.

#### **6.2. Submitting a Bid Offer**

Submit a bid offer to provide the whole of the works, services or supply identified in the contract data and described in the scope of works, unless stated otherwise in the bid data.

Return all, returnable documents to the employer after completing them in their entirety.

Sign the original and all copies of the bid offer where required in terms of the bid data. The employer will hold all authorized signatories liable on behalf of the bidder. Signatories for bidders proposing to contract as joint ventures, shall state which of the signatories is the lead partner, whom the employer shall hold liable for the purpose of the bid offer.

Seal the original copy of the bid offer as separate packages marking the packages as "ORIGINAL". The package shall state on the outside the employer's address and identification details stated in the bid data, as well as the bidder's name and contact address.

Accept that the employer will not assume any responsibility for the misplacement or premature opening of the bid offer if the outer package is not sealed and marked as stated.

### **6.3. Information and data to be completed in all respects**

Accept that bid offers, which do not provide all the data or information requested completely and in the form required, may be regarded by the employer as non-responsive.

### **7. Closing Time**

Ensure that the employer receives the bid offer at the address specified in the bid data not later than the closing date and time stated in the bid data. Proof of posting shall not be accepted as proof of deliver. The employer shall **not** accept bid offers submitted by telegraph, telex, facsimile or e-mail, unless stated otherwise in the bid data.

If the employer extends the closing time stated in the bid data for any reason, the requirements of these conditions of bid apply equally to the extended deadline.

### **8. Bid Offer Validity**

Hold the bid offer(s) valid for acceptance by the employer at any time during the validity period stated in the bid data after the closing time stated in the bid data.

If requested by the employer, consider extending the validity period stated in the bid data for an agreed additional period.

### **9 Clarification of Bid Offer after Submission**

Provide clarification of a bid offer in response to a request to do so from the employer during the evaluation of bid offers. This may include providing a breakdown of rates or process and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the total of the prices or substance of the bid offer is sought, offered, or permitted. The total of the prices stated by the bidder shall be binding upon the bidder.

### **10. Inspections, Tests and Analysis**

Provide access during working hours to premises for inspections, tests and analysis as provided for in the bid data.

**11. Check Final Draft**

Check the final draft of the contract provided by the employer within the time available for the employer to issue the contract.

**12. Return of Other Bid Documents**

If so instructed by the employer, return all retained bid documents within 28 days after the expiry of the validity period stated in the bid data.

**13. Certificates**

Include in the bid submission or provide the employer with any certificates as stated in the bid data.

**14. The Employer's Undertakings**

**Respond to Clarification**

Respond to a request for clarification received up to five working days before the bid closing time stated in the Bid Data and notify all bidders who drew procurement documents.

**Issue Addenda**

If necessary, issue addenda that may amend or amplify the bid documents to each bidder during the period from the date that bid documents are available until seven days before the bid closing time stated in the Bid Data. If, as a result a bidder applies for an extension to the closing time stated in the Bid Data, the Employer may grant such extension and, shall then notify all bidders who drew documents.

**15. Return Late Bid Offers**

Return bid offers received after the closing time stated in the Bid Data, unopened, (unless it is necessary to open a bid submission to obtain a forwarding address), to the bidder concerned.

**16. Opening of Bid Submissions**

Announce at the meeting held immediately after the opening of bid submissions, at a venue indicated in the bid data, the name of each bidder whose bid offer is opened, the total of his prices.

**17. Non-disclosure**

Not disclose to bidders, or to any other person not officially concerned with such process, information relating to the evaluation and comparison of bid offers, the final evaluation price and recommendations for the award of a contract, until after the award of the contract to the successful bidder.

**18. Grounds for Rejection and Disqualification**

Determine whether there has been any effort by a bidder to influence the processing of bid offers and instantly disqualify a bidder (and his bid offer) if it is established that he engaged in corrupt or fraudulent practices.

## **19. Test for Responsiveness**

Determine, on opening and before detailed evaluation, whether each bid offer properly received:

- a) complies with the requirements of these Conditions of Bid;
- b) has been properly and fully completed and signed, and
- c) is responsive to the other requirements of the bid documents.

A responsive bid is one that conforms to all the terms, conditions, and specifications of the bid documents without material deviation or qualification. A material deviation or qualification is one which, in the Employer's opinion, would:

- a) detrimentally affect the scope, or performance of the works, services or supply identified in the Scope of Work;
- b) change the Employer's or the bidder's risks and responsibilities under the contract; or
- c) affect the competitive position of other bidders presenting responsive bids, if it were to be rectified.

Reject a non-responsive bid offer, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.

## **20. Clarification of a Bid Offer**

Obtain clarification from a bidder on any matter that could give rise to ambiguity in a contract arising from the bid offer.

## **21. Acceptance of Bid Offer**

Accept bid offer only if the bidder complies with the legal requirements stated in the Bid Data.

Notify the successful bidder of the employer's acceptance of his bid offer by completing and returning one copy of the form of offer and acceptance before the expiry of the validity period stated in the bid data, or agreed additional period. Providing the form of offer and acceptance does not contain any qualifying statements, it will constitute the formation of a contract between the employer and the successful bidder as described in the form of offer and acceptance.



**22. PROPOSALS FROM EXPERIENCED SPECIAL INVESTIGATORS TO ASSIST THE MUNICIPALITY IN RECOVERY OF THE ASSET/PLANT, RECOMMEND FLEET MANAGEMENT TOOLS, ASSIST THE MUNICIPALITY IN CASE THIS MATTER INVOLVED LITIGATIONS.**

## **22.1 List of Returnable Documents**

The bidder must complete the following returnable documents:

### **Returnable schedules required for bid evaluation purposes (This Document)**

- Compulsory Enterprise Questionnaire
- Certificate of authority to sign documents (include for Joint Ventures / Consortia agreement where applicable)
- Proposed Amendments and Qualifications
- Certificate for Municipal Services and Payments (for the company and the directors)
- Authorisation for deduction of outstanding amounts owed to Council
- Certified ID copies for all the directors

### **22.2. Other documents required only for bid evaluation purposes (External Documents)**

- An original valid Tax Clearance Certificate issued by the South African Revenue Services. (Original tax clearance certificate of each firm on the team if tendered as a JV / Consortium)
- Joint venture, consortium agreements (if applicable).
- B-BBEE certificate.
- Company Profile
- Proof of registration with professional body

### **22.3. Other documents that will be incorporated into the contract**

- Original bid document
- Addendum – if issued
- Proof of purchase of the original bid document.

**Note: All copies must be certified.**

## Record of Addendum to Bid Documents

We confirm that the following communications received from the Employer before the submission of this bid offer, amending the bid documents, have been taken into account in this bid offer:

	Date	Title or Details
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

Attached additional pages if more space is required.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

Bidder \_\_\_\_\_



Indicate by marking the relevant boxes with a cross, if any spouse, child or parent of a sole proprietor, partner in a partnership or director, manager, principal stakeholder or stakeholder in a company or close corporation is currently or has been within the last 12 months been in the service of any of the following:

- |  |  |
|--|--|
| <input type="checkbox"/> a member of any municipal council                                     | <input type="checkbox"/> an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, (Act 1 of 1999) |
| <input type="checkbox"/> a member of any provincial legislature,                               | <input type="checkbox"/> a member of an accounting authority of any national or provincial public entity   |
| <input type="checkbox"/> a member of the National Assembly or the National Council of Province | <input type="checkbox"/> an employee of parliament or a provincial legislature   |
| <input type="checkbox"/> a member of the board of directors of any municipal entity            |  |
| <input type="checkbox"/> an official of any municipality or municipal entity                   |  |

Name of spouse, child or parent	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
			Within last 12 months

\*insert separate page if necessary

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise:

- i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order;
- ii) confirms that the neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Bid Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;
- iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;
- iv) confirms that I / we are not associated, linked or involved with any other bidding entities submitting bid offers and have no other relationship with any of the bidders or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and
- iv) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

Enterprise Name \_\_\_\_\_

# Certificate of Authority

Indicate the status of the tenderer by ticking the appropriate box hereunder. The tenderer must complete the certificate set out below for the relevant category.

A Company	B Partnership	C Joint Venture	D Sole Proprietor	E Close Corporation

## A. Certificate for company

I,....., chairperson of the board of directors of ..... hereby confirm that by resolution of the board (copy attached) taken on .....20..., Mr/Mrs.....acting in the capacity of.....,was authorised to sign all documents in connection with this tender and any contract resulting from it on behalf of the company.

As witness

1.....  
Chairman

2.....  
Date

## B. Certificate of partnership

We, the undersigned, being the key partners in the business trading as .....

hereby authorise Mr/Mrs....., acting in the capacity of.....to sign all documents in connection with the tender for Contract.....and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

NOTE: This certificate is to be completed and signed by all of the key partners upon whom rests the direction of the affairs of the Partnership as a whole.

**C. Certificate for Joint Venture**

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Mrs....., authorised signatory of the company .....,

Acting in the capacity of lead partner, to sign all documents in connection with the tender offer for Contract.....and any other contract resulting from it on our behalf.

This authorisation is evidenced by the attached power of attorney signed by legally authorised signatories of all the partners to the Joint Venture.

NAME OF FIRM	ADDRESS	AUTHORISING SIGNATURE, NAME & CAPACITY

**D. Certificate for sole proprietor**

I, ....., hereby confirm that I am the sole owner of the business trading as.....

As Witness:

1.....

.....  
Signature: Sole owner

2.....

.....  
Date

**E. Certificate for Close Corporation**

We, the undersigned, being the key members in the business trading as.....hereby authorise Mr/Mrs.....

Acting in the capacity of....., to sign all documents in connection with the tender for Contract.....and any contract resulting from it on our behalf.

<b>NAME</b>	<b>ADDRESS</b>	<b>SIGNATURE</b>	<b>DATE</b>

NOTE: This certificate is to be completed and signed by all key members upon who rests the direction of the affairs of the Close Corporation as a whole.





FINANCIAL DETAILS, STATEMENTS AND BANK REFERENCES

**1. FINANCIAL STATEMENTS**

I/We agree, if required, to furnish a copy of the latest audited set of financial statement together with my/our Director's and Auditor's report for consideration by the MAKHUDUTHAMAGA LOCAL MUNICIPALITY.

**2. DETAILS OF CONTRACTOR'S BANK ACCOUNT**

I/We furnish the following information:

- a) Account Holder Name:
- b) Name of Bank:
- c) Branch of Bank:
- d) Town/city/suburb where bank is situated:
- e) Contact Person at the Bank:
- f) Telephone number of Bank: Code: .....Number: .....
- g) Account Number:
- h) Bank rating (include confirmation from bank or financial institution):

I/We hereby authorise the Employer to approach the above Bank for a reference.

SIGNED ON BEHALF OF THE TENDERER: .....

DATE: .....

**T2.1 A SCHEDULE OF PLANT AND EQUIPMENT**

The following are lists of major items of relevant equipment that I/we presently own or lease and will have available for this contract or will acquire or hire for this contract if my/our Tender is accepted.

(a) Details of major equipment that is owned by and immediately available for this contract.

Quantity	Description, size, capacity, etc.

Attach additional pages if more space is required.

(b) Details of major equipment that will be hired, or acquired for this contract if my/our Tender is acceptable

Quantity	Description, size, capacity, etc.

Attach additional pages if more space is required.

Signed..... Date.....  
 Name..... Position.....  
 Tenderer.....

## 24. Record of Services (Experience) Provided to Organs of State

Bidders are required to complete this record in terms of the Supply Chain Management Regulations issued in terms of the Municipal Finance Management Act of 2003.

Complete the table below.

**All services commenced or completed to an organ of state in the last five years.**

No.	Organ of state, i.e. national or provincial department, public entity, municipality or municipal entity	Service Rendered	Value of service including VAT (Rand)	Date completed (State current if not yet completed)
1.				
2.				
3.				
4.				
5.				

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

Bidder \_\_\_\_\_

**25. CERTIFICATE FOR MUNICIPAL SERVICES AND PAYMENTS**

TO: MUNICIPAL MANAGER, MAKHUDUTHAMAGA LOCAL MUNICIPALITY

FROM: \_\_\_\_\_ (Name of Bidder)

FURTHER DETAILS OF BIDDER(S); DIRECTORS/SHAREHOLDERS/PARTNERS, ETC.

Directors/shareholders/Partner	Physical address of the Business	Municipal Account No.	Physical residential address of the Director/Shareholder/Partner	Municipal Account No.

**NB: Please attach certified copy (ies) of ID document(s) and proof of payment not older than 3 months**

\_\_\_\_\_

Signatory

\_\_\_\_\_

Date

**Witnesses**

1. \_\_\_\_\_

Full Names

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

2. \_\_\_\_\_

Full Names

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

**AUTHORISATION FOR DEDUCTION OF OUTSTANDING AMOUNTS OWED TO COUNCIL**

TO: MUNICIPAL MANAGER, MAKHUDUTHAMAGA LOCAL MUNICIPALITY

FROM: \_\_\_\_\_ (Name of the Bidder or Consortium)

I, \_\_\_\_\_ the undersigned, hereby authorise the Makhuduthamaga Local Municipality to deduct the full amount outstanding by the business organisation/Director/Shareholder/Partner, etc. from the payment that will be made to me.

Signed at \_\_\_\_\_ Date \_\_\_\_\_ Month \_\_\_\_\_ 2013

Print Name: \_\_\_\_\_

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

Thus done and signed for and on behalf of the bidder

\_\_\_\_\_

\_\_\_\_\_

Signatory

Date

**Witnesses**

1. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Full Names

Signature

Date

2. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Full Names

Signature

Date

**PROPOSALS FROM EXPERIENCED SPECIAL INVESTIGATORS TO ASSIST THE MUNICIPALITY IN RECOVERY OF THE ASSET/PLANT, RECOMMEND FLEET MANAGEMENT TOOLS, ASSIST THE MUNICIPALITY IN CASE THIS MATTER INVOLVED LITIGATIONS.**

**26. Form of Offer and Acceptance**

**Offer**

The employer, identified in the acceptance signature block, has solicited offers for the **proposals from experienced special investigators to assist the municipality in recovery of the asset/plant, recommend fleet management tools, assist the municipality in case this matter involved litigations.**

The bidder, identified in the offer signature block, has examined the documents listed in the bid data and addenda thereto as listed in the returnable schedules, and by submitting this offer has accepted the conditions of bid.

By the representative of the bidder, deemed to be duly authorized, signing this part of this form of offer and acceptance, the bidder offers to perform all of the obligations and liabilities of the service provider under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the contract data.

**THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS: -----**

----- **(Rands VAT Inclusive)**

.....  
.....  
..... **(Amount In words)**

This offer may be accepted by the employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the bidder before the end of the period of validity stated in the bid data, whereupon the bidder becomes the party named as the Service Provider in the conditions of contract identified in the contract data.

**for the bidder**

Signature ..... Date .....

Name .....

Capacity .....

(Name and address of organization) .....

Name and signature of witness .....

## Acceptance

By signing this part of this form of offer and acceptance, the employer identified below accepts the bidder's offer. In consideration thereof, the employer shall pay the service provider the amount due in accordance with the conditions of contract identified in the contract data. Acceptance of the bidder's offer shall form an agreement between the employer and the bidder upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the bidder receives on fully completed original copy of this document. Unless the bidder (now service provider) within five working days of the date of such receipt notifies the employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

Signature ..... Date .....

Name .....

Capacity .....

for the Makhuduthamaga Local Municipality

.....

.....

.....

Name and ..... Date .....

signature

of witness .....

### 27. Data Provided by the Service Provider

Clause	
1	The Service Provider is ..... Address: ..... Telephone: ..... Fax simile: .....
5.3	The authorized and designated representative of the Service Provider is: Name: .....  The address for receipt of communication is:  Telephone: ..... Fax simile: ..... Address: .....
5.5	

# **MAKHUDUTHAMAGA LOCAL MUNICIPALITY**

**PROPOSALS FROM EXPERIENCED SPECIAL INVESTIGATORS TO ASSIST THE MUNICIPALITY IN RECOVERY OF THE ASSET/PLANT, RECOMMEND FLEET MANAGEMENT TOOLS, ASSIST THE MUNICIPALITY IN CASE THIS MATTER INVOLVED LITIGATIONS.**

## **28. Pricing Instructions**

1. The Service Provider is required to provide the services in accordance with the Scope of Work. This embraces all things necessary and incidental to complete the work.
2. The only basis for a change to the prices is as a result of the Employer giving an instruction to change the Scope of Work.



## **MAKHUDUTHAMAG LOCAL MUNICIPALITY**

### **PROPOSALS FROM EXPERIENCED SPECIAL INVESTIGATORS TO ASSIST THE MUNICIPALITY IN RECOVERY OF THE ASSET/PLANT, RECOMMEND FLEET MANAGEMENT TOOLS, ASSIST THE MUNICIPALITY IN CASE THIS MATTER INVOLVED LITIGATIONS.**

#### **29. Specification/Terms of Reference/Scope of Work for lost smooth roller compactor**

##### **Purpose of the bid**

Makhuduthamaga Municipality would like to invite bids from reputable and experienced special investigators to assist the Municipality in recovery of the asset/plant, recommend fleet management tools, assist the Municipality in case this matter involved litigations (testify with evidence/documentary proof in the Court of Law), report to the Speaker of the Council on the progress from time to time and present the final report with all the findings, solutions and give advice to the Council.

##### **Terms of reference**

- (a) Obtain information and available reports from Makhuduthamaga Local Municipality regarding the asset/plant in question,
- (b) Interrogate the senior responsible officials of the Council of Makhuduthamaga Local Municipality,
- (c) SAPS various stations where the matter was reported to be visited and interviews be conducted with the police officers who handled the matter,
- (d) Construction site storage/camp where this incident occurred to be visited, inspected and the locals to be interviewed,
- (e) Meet with the ward councilors and conduct an interviews,
- (f) The contractor /his company to be traced and full investigations be conducted and the contractual issues with Municipality be scrutinized ,
- (g) The report and the claims to insurance company be followed up, check the investigation conducted by the insurance company,
- (h) Establish leads and make further investigations, obtain sources, trace independent witness and other interested parties,
- (i) Open the investigation to Officials/ Council members who are willing to provide information in order to assist in this investigation; and
- (j) Final report to be presented to Council on all the findings, consequences (internal discipline or litigations processes) and recommendation on the fleet management system that is robust.

##### **Time Frames**

Two (2) months to complete this project.

##### **C.3.3. DURATION OF CONTRACT**

It is a once off transaction. Service level agreement will be signed between the municipality and the successful bidder. The project must be completed within two months.

##### **C.3.6. Payments**

Payments will be made within thirty days of submission of (Tax) invoice.

SBD 4.

### DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorized representative declare his/her position in relation to the evaluating/adjudicating authority where-

- The bidder is employed by the state; and/or
- The legal person on whose behalf the bidding document is signed, has a relationship with persons/ a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

2.1. Full Name of bidder or his or her representative:.....

2.2. Identity Number:.....

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

2.4. Company registration number:.....

2.5. Tax Reference Number:.....

2.6. VAT Registration Number:.....

2.6.1 The names of all directors/ trustees/ shareholders/ members, their individual identity numbers, tax reference numbers and, if applicable, employee/ persal numbers must be indicated in paragraph 3 below.

1 "State" means –

- a. Any national or provincial department, national or provincial public entity or constitution within the meaning of Public Finance Management Act, 1999 (Act No. 1 of 1999);
- b. Any municipality or municipal entity;
- c. Provincial legislature;
- d. National Assembly or the national Council of provinces; or
- e. Parliament.

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

2.7. Are you or any person connected with them bidder presently employed by the state? YES  NO

2.7.1. If so, furnish the following particulars:

Name of person / director / trustee/ shareholder/ member:

.....

Name of state institution at which you or person connected to the bidder is employed:

.....

Position occupied in the public institution:

.....

Any other particulars:

.....

.....

.....

2.7.2. If you are presently employed by the state, did you obtain NO

the appropriate authority to undertake remunerative work outside employment in the public sector?

2.7.2.1. If yes, did you attached proof of such authority to the bid document? YES  NO

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2. If no, furnish reasons for non-submission of such proof:

.....

.....

.....

2.8. Did you or your spouse, or any of the company's directors/ trustees/ YES  NO   
shareholders/ members or their spouses conduct business with the  
state in the previous twelve months?

2.8.1. If so, furnish particulars:

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

2.9. Do you, or any person connected with the bidder, have any relationship YES  NO   
(family, friend, other) with a person employed by the state and who may  
be involved with the evaluation and or adjudication of this bid?

2.9.1. If so, furnish particulars:

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

2.10. Are you, or any person connected with the bidder, aware of any YES  NO   
relationship (family, friend, other) between any other bidder and any person  
employed by the state who may be involved with the evaluation and or  
adjustment of this bid?

2.10.1. If so, furnish particulars:

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

2.11. Do you or any of the directors/ trustees/ shareholders/ members of the  
company have any interest in any other related companies whether or  
not they are bidding for this contract?

2.11.1. If so, furnish particulars:

.....  
.....

.....

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

Full Names	Identity Number	Personal Tax Reference Number	State Employee Number/ Persal Number

**4. DECLARATION**

I, THE UNDERSIGNED  
(NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPH 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR 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

**MBD9**

**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 consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; 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.

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

<sup>4</sup>

**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.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

END