

ABOVE R30 000 to R300 000	<div style="display: flex; justify-content: space-between; align-items: center;">  <div style="text-align: center;"> NDLAMBE LOCAL MUNICIPALITY Port Alfred </div> <div style="text-align: right; font-size: small;"> Phone: (046) 604 5500 Fax: (046) 624 2669 quotations@ndlambe.co.za http://www.ndlambe.co.za </div> </div> <p style="text-align: center; font-size: x-small;">Causeway Road P O Box 13 Port Alfred 6170</p> <p style="text-align: center; font-size: x-small;">Please address all correspondence to The Municipal Manager</p>		
ADVERTISEMENT DATE:	05 March 2026		
RFQ NUMBER:	53/2526		
NOTICE NUMBER:	51/2026		
DESCRIPTION OF GOODS/SERVICES:	Provision of Change Management and Performance Management Workshops for Task 1–5 Officials		
CLOSING DATE: TIME:	12 March 2026 12H00		
VALIDITY PERIOD	90 days		
SUBMISSIONS:	Bids must be placed separately in sealed envelopes marked “ NOTICE NR 51/2026 or RFQ 53/2526 Provision of Change Management and Performance Management Workshops for Task 1–5 Officials ” and must be deposited in the tender box at the SUPPLY CHAIN MANAGEMENT UNIT, First Floor, 44 Campbell Street, Port Alfred by not later than 12h00 on 12 March 2026 . Late submitted, unmarked, faxed, falsified or e-mailed offers will not be considered and will be disqualified.		
DELIVERY DATE:	The assignment must be completed within two (2) weeks from the date of appointment. The successful bidder shall submit a detailed Implementation Plan and Programme of Work within three (3) working days of appointment		
DELIVERY ADDRESS:	N/A		
CONTACT PERSON (NLM):	Ms T Magawu	CONTACT NUMBER:	046 6045256
EMAIL ADDRESS:	tmagawu@ndlambe.gov.za		
EVALUATION CRITERIA:	TOTAL AMOUNT:	YES	
	PER ITEM:	NO	
	EVALUATION CRITERIA:	See details in the document	
	SITE MEETING DATE (Compulsory):	N/A	
NAME OF BUSINESS:			
CSD NUMBER:			
CONTACT PERSON:			
EMAIL ADDRESS:			
TELEPHONE OR CELL PHONE NUMBER:			
STREET ADDRESS OF BUSINESS:			
AMOUNT:	R (Only if the award is made on the total amount)		
NOTE: Only an official order OR appointment letter will be deemed a legal contract with the Council. No business may be conducted with a person in the service of the state.			

INSTRUCTION TO BIDDER

Bidders Shall Take Note of the Following Bid Conditions:

1. Prices must be valid for the full duration of the validity period noted in the document. Confirmation of this effect should appear on the bid pricing document.
2. Prices quoted must be firm and must be inclusive of VAT.
3. Ndlambe Municipality does not bind itself to accept the lowest bid or any other bid and reserves the right to accept the whole or part of the bid.
4. Bidders should provide pricing in respect of all required items.
5. Bids that are late will not be considered, whilst the lowest or only quotation will not necessarily be accepted.
6. An original tax clearance certificate issued by SARS must accompany all quotations OR a tax reference number and **PIN** or **TCC** must be provided.
7. Bidders must complete the Council's Declaration of Interest form (**MBD4**).
8. Bidders must complete a Certificate of Independent Bid Determination (**MBD9**).
9. Bidders who wish to claim for preferential points for Specific Goals in terms of the Preferential Procurement Policy of Council and the Preferential Procurement Regulations, 2022, must submit a completed form **MBD 6.1** as well as a
9.1. **certified copy** of the proof of B-BBEE status level of contribution.
9.2. A Municipal Billing Clearance Certificate which covers, if applicable, both the company and its directors, must accompany all bids (a declaration form is included in the returnable document).
10. A Municipal Billing Clearance Certificate (in respect of both the company and, if applicable, directors/owners) must accompany all bids.
11. Evidence of registration of the company on the Central Supplier Database (CSD) must be provided (Supplier Number).
12. It should be noted that, with respect of this bid, the 80/20 points system will be applied, 80 being for price and 20 for the Specific goals.
13. The award will be made in terms of the Municipality's Supply Chain Management Policy.
14. **Bidders are required to quote on all items, failing which they will be disqualified.**
15. **All bids must be submitted on the official bid document provided by the Ndlambe Municipality.**
16. **The recommended bidder will be required to provide samples, at their own cost to ensure the quoted items comply with the specifications of the municipality.**
17. **All documents and / packaging of courier must be clearly marked RFQ with the number. It remains the responsibility of the service provider/contractor to ensure that his quotation bid is clearly marked and placed in the correct box."**
18. **Bidders are hereby advised that a strict commencement period of Three (03) calendar days . This period includes, but is not limited to, the time required by the bidder to secure any necessary financing and to effect delivery of the goods or services to the Municipality. Failure to comply with this delivery requirement shall constitute a material breach of contract and will result in the cancellation of the bid and/or purchase order, without prejudice to any other rights or remedies available to the Municipality**

QUOTATIONS WILL BE EVALUATED IN TERMS OF PREFERENTIAL PROCUREMENT REGULATIONS, 2022, PREFERENTIAL PROCUREMENT POLICY OF COUNCIL.

NB!! FAILURE TO COMPLY WITH THE ABOVEMENTIONED CONDITIONS WILL INVALIDATE YOUR QUOTE!!!

I hereby declare that I understand the above and is duly authorized to sign on behalf of the abovementioned company

PRINT NAME _____

SIGNATURE _____

D _____

FUNCTIONALITY EVALUATION

The RFQ will be evaluated using the functionality criteria set out below. Bidders who score less than 70 out of 100 points for these criteria will be regarded as non-responsive and will not proceed to the Preferential Points calculation.

FUNCTIONALITY EVALUATION CRITERIA

Evaluation Criteria	Points
1. Experience in Municipal PMS & Change Management	40
1.1. Four (4) or more signed reference letters (on client letterhead) for completed Municipal PMS and/or Planning and renew projects within municipalities (completed within the past 10 years)	40
1.2. Three (3) reference letters meeting the above requirements	30
1.3. Two (2) reference letters meeting the above requirements	20
1.4. Fewer than two (2) reference letters	0
2. Proposed Methodology	20
2.1. Detailed, practical methodology clearly aligned to municipal legislative and governance frameworks (Municipal Systems Act, Municipal Structures Act, MFMA), including PMS implementation, M&E alignment and change management integration	20
2.2. Acceptable methodology with limited municipal contextualisation and legislative alignment	10
2.3. Generic, poorly structured methodology with no clear municipal alignment	0
3. Lead Facilitator <i>Minimum: 8 years public sector advisory/facilitation experience; 5 years municipal /public sector PMS experience. Qualification: NQF 8+ in Public Administration, Monitoring & Evaluation, MBL, Public Management, Governance, Monitoring & Evaluation, Development Studies, or MBA.</i>	20
3.1. Relevant postgraduate qualification (NQF 8 or 9) and minimum 7 years relevant experience	20
3.2. Relevant undergraduate qualification (NQF 7) and minimum 5 years relevant experience	10
3.3. No relevant qualification or insufficient experience	0
4. Change Management / Skills Development Specialist (10 Points) <i>Minimum: 5 years organisational change or public sector skills development experience. Qualification: NQF 7+ in HRM, Industrial Psychology, Organisational Development, Public Administration, Management, B.Social Science or accredited Change Management certification (Prosci/ACMP/equivalent).</i>	10
4.1. Relevant postgraduate qualification (NQF 8+) and minimum 7 years relevant experience	10
4.2. Relevant undergraduate qualification (NQF 7) and minimum 5 years relevant experience	5
4.3. No relevant qualification or insufficient experience	0
5. Governance & Management Advisory Specialist (10 Points) <i>Minimum: 5 years public sector governance, audit, compliance advisory, or institutional strengthening experience. Qualification: NQF 7+ in Public Administration, Governance, Law, Accounting, Auditing, Risk Management, or Business Management.</i>	
5.1. Relevant qualification and minimum 5 years relevant experience	10
5.2. No relevant qualification or insufficient governance experience	0
TOTAL POINTS	100

SPECIFICATIONS

SCOPE OF WORK

- Development of contextualised training material aligned to municipal legislation and PMS framework.
- of interactive workshops.
- Conducting pre- and post-training assessments.
- Submission of inception and final close-out reports.

DURATION AND IMPLEMENTATION PROGRAMME

The assignment must be completed within two (2) weeks from the date of appointment. The successful bidder shall submit a detailed Implementation Plan and Programme of Work within three (3) working days of appointment.

DELIVERABLES

- Inception Report and Implementation Programme.

Approved Training Material.

- Develop contextualised training material aligned to:
 - Municipal Systems Act
 - PMS Regulations
 - IDP and SDBIP processes
 - Submit training content for approval prior to delivery.

Facilitation of Workshops

- Facilitate interactive workshops for Task 1–5 officials.
- Deliver practical sessions including exercises and case discussions. Given that the user group is largely Xhosa, the training and learning materials must be bilingual (Xhosa and English).
- Provide attendance registers.
- Provide workshop evidence (photos, evaluation forms).

Assessment results and analysis.

- Conduct pre- and post-training assessments.
- Measure knowledge transfer and understanding.

Reporting

- Inception Report (within 3 days of appointment)
- Attendance registers
- Assessment results
- Final Close-Out Report

CONDITIONS OF PAYMENT

Invoices will be paid within 30 days, subject to approval of deliverables. Failure to comply with contract requirements may result in termination.

SUBMISSION REQUIREMENTS

- Company profile.
- CVs and certified qualifications of proposed team.
- Municipal references.
- Proposed methodology and implementation programme.
- Completed pricing schedule.

I hereby declare that I understand the above and is duly authorized to sign on behalf of the abovementioned company

PRINT NAME

SIGNATURE

DATE

SUBMISSION OF INVOICES

The successful bidder(s) to ensure compliance with Section 20(4) of the Value Added Tax (VAT) Act, 89 of 1991. In terms of Section 20(4) of the Act, the TAX INVOICE(S) received from registered VAT vendors MUST bear the following information:

- The words "TAX INVOICE" in a prominent place.
- Name, address and VAT registration number of the supplier.
- The name and address: Ndlambe Municipality, PO Box 13, Port Alfred, 6170.
- The Ndlambe Municipality VAT registration number: 4330101223.
- Unique VAT invoice number and date of issue.
- Accurate description of goods and/or services.
- Quantity or volume of goods or services supplied; and
- Price and VAT amount and percentage (%).

Furthermore, the invoice must reflect the **PREFERRED BANKING DETAILS AS VERIFIED AND STATED IN THEIR CSD REPORT**. The onus is then on the bidder to ensure that the correct preferred account is noted on CSD and the invoice. The municipality shall not be liable for any payments to a preferred account of the bidder, that is not active.

Failure to comply with the above-mentioned will result in payments not being made timeously. Also, take note that Ndlambe Municipality will not be liable for any late payments because of invalid Tax Invoices submitted by suppliers

I hereby declare compliance with Section 20(4) of the Value Added Tax (VAT) Act, 89 of 1991 and that I am duly authorised to sign on behalf of the company

PRINT NAME _____

SIGNATURE _____

DATE _____



NDLAMBE LOCAL MUNICIPALITY – MBD 4

Causeway Road
P O Box 13
Port Alfred
6170

Phone: (046) 604 5500
Fax: (046) 604 2702
tenders@ndlambe.gov.za
<http://www.ndlambe.gov.za>

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
- 3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

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

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, hareholder²):.....

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

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

3.8.1 If yes, furnish particulars.

.....

¹MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

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

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

3.9.1 If yes, furnish particulars.....

.....

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

3.10.1 If yes, furnish particulars.

.....

.....

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

3.11.1 If yes, furnish particulars

.....

.....

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

3.12.1 If yes, furnish particulars.

.....

.....

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

3.13.1 If yes, furnish particulars.

.....

.....

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

3.14.1 If yes, furnish particulars:

.....

.....

1. Full details of directors / trustees / members / shareholders:

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder



NDLAMBE LOCAL MUNICIPALITY – MBD 6.1

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P O Box 13
Port Alfred
6170

Phone: (046) 604 5500
Fax: (046) 604 2702
tenders@ndlambe.gov.za
<http://www.ndlambe.gov.za>

SPECIFIC GOALS PREFERENTIAL POINTS CLAIM FORM IN TERMS OF THE MUNICIPALITY'S PREFERENTIAL PROCUREMENT POLICY, 2023 AND THE PREFERENTIAL PROCUREMENT REGULATIONS OF 4 NOVEMBER 2022 (Gazette 47452)

This specific goals preferential points claim form is submitted with bids invited where the estimated procurement amount exceeds R30 000. It contains general information and serves as a claim form for points for **specific goals** as follows:

- Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution, and
- Bidder Locality

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

1.2. Points shall be awarded for:

- 1.2.1. Price;
- 1.2.2. B-BBEE Status Level of Contributor (Specific Goal 1); and
- 1.2.3. Locality of bidder (Specific Goal 2)

1.3. The formulae and methodologies to be applied in calculating price and specific goal points shall be those as set out in the 2022 PPPFA Regulations (the Preferential Procurement Regulations made by the Minister on 4 November 2022) 4 to 7, which formulae and methodologies are subject to amendment by the Minister from time to time.

1.4. The maximum points for this bid are allocated as follows:

#	Component	Maximum Points – value up to R50 million	Maximum Points – value above R50 million
1	Price	80	90
2	B-BBEE Status Level of Contributor	10	5
3	Locality of bidder	10	5
	Total points	100	100

- 1.5. Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6. Failure on the part of a bidder to submit proof of locality with the bid, will be interpreted to mean that preference points for Bidder Locality are not claimed.
- 1.7. Ndlambe Local Municipality 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 specific goals, in any manner required by the municipality.

2. DEFINITIONS

- (a) "B-BBEE" means broad-based black economic empowerment as defined in section 1 of the Broad- Based Black Economic Empowerment Act;
- (b) "B-BBEE status level of contributor" means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) "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 or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) "Broad-Based Black Economic Empowerment Act" means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) "functionality" means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) "prices" includes all applicable taxes less all unconditional discounts;
- (h) "proof of B-BBEE status level of contributor" means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
 - 4) "rand value" means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (i) "specific goals" means specific goals as contemplated in Para 4 of Ndlambe Municipality's Preferential Procurement Policy.

3. BID DECLARATION – SPECIFIC GOALS

3.1 Bidders who wish to claim points in respect of B-BBEE Status Level of Contribution must complete the following:

B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4

B-BBEE Status Level of Contributor: = _____ Points claimed = _____ (see below)

B-BBEE Level	Points - value up to R50 million	Points - value above R50 million
1	10	5
2	5	2.5

N.B. B-BBEE Certificate or Affidavit to be attached.

3.2 Bidders who wish to claim Locality Points must complete the following:

Full physical address of bidder: _____

Bidder Locality	Points - value up to R50 million	Points - value above R50 million
Ndlambe LM	10	5

N.B. a recent Municipal Billing Certificate (not dated earlier than three months before the bid closing date) to be attached.

4. DECLARATION WITH REGARD TO COMPANY/FIRM

4.1 Name of company/firm: _____

4.2 VAT registration number (if a VAT Vendor) _____

4.3 CSD (Central Supplier Database) number: MAAA _____

4.4 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

4.5 MUNICIPAL INFORMATION

Municipality where business is situated: _____

Registered Account Number: _____

Stand Number: _____

4.6 I/we, the undersigned, who is/are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor and Locality in paragraphs 1.4 and 3 of the foregoing certificate, qualifies the company/firm for the preference(s) shown and I/we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 3, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have -
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES

1.....
2.....

SIGNATURE(S) OF BIDDERS(S)	
DATE:
ADDRESS



NDLAMBE LOCAL MUNICIPALITY – MBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

Causeway Road P
O Box 13
Port Alfred 6170

Phone: (046) 604 5500
Fax: (046) 604 2702
tenders@ndlambe.gov.za
<http://www.ndlambe.gov.za>

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
 - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 1 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder



NDLAMBE LOCAL MUNICIPALITY – MBD 9 CERTIFICATE OF INDEPENDENT BID DETERMINATION

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Port Alfred
6170

Phone: (046) 604 5500
Fax: (046) 604 2702
tenders@ndlambe.gov.za
<http://www.ndlambe.gov.za>

This Municipal Bidding Document (MBD) must form part of all bids¹ invited.

1. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
2. Municipal Supply Regulation 37(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.
3. 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.
4. In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____

that: (Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - a) has been requested to submit a bid in response to this bid invitation;
 - b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

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.

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.
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. I, the undersigned, in submitting the accompanying bid:

.....
Signature	Date
.....
Position	Name of Bidder

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

