

REQUEST FOR QUOTATION (RFQ) AUTHORISATION FORM FOR GOODS/SERVICES

MBDA 05609 SUPPLY, DELIVERY AND INSTALLATION OF FENCING	
DATE REQUESTED	11/06/2021
DEPARTMENT	Operations
DETAILED DESCRIPTION AND / SPECIFICATIONS	<p>SUPPLY, DELIVERY AND INSTALLATION OF FENCING AT 1.8m heigh The MBDA requires to replace and install 200 metre by 1.8 metre clear view or similar fencing, including installing gates.</p> <ul style="list-style-type: none"> • Remove existing gumpoles and dispose, • 200m (length) by 1.8m (height) fencing • No. 4 Pedestrian gates • No.1 vehicular Access
EVALUATION CRITERIA	The quotes will be evaluated on the 80/20 preferential point system as well as on functionality.
PAYMENT FOR SERVICES	<p>Payment will be issued after the goods have been delivered or the service has been rendered and deemed to be satisfactory.</p> <p>Payments will be made within 30 days from receipt of a valid invoice, accompanied by a statement of account.</p>

<p>GENERAL CONDITIONS</p>	<p>1.1. All prices shall be must exclusive of Value Added Tax (VAT).</p> <p>1.2. All prices will be evaluated exclusive of VAT.</p> <p>1.3. It is compulsory for all potential suppliers to be registered on the Central Supplier Database.</p> <p>1.4. It is compulsory for all potential suppliers to be registered on the Nelson Mandela Bay Municipality Supplier Database or meet the listing criteria of the MBDA SCM policy of 2017.</p> <p>SCM Listing Criteria</p> <ul style="list-style-type: none"> ✓ Tax Clearance Certificate ✓ Declaration for service of the state ✓ Municipal Billing clearance certificate or Municipal Statement of account or a lease agreement. <p>1.5. The municipality reserves the right not to accept the lowest or any quotation and no reason to the acceptance or rejection of quotation will be furnished.</p> <p>1.6. Quotations to be valid for 60 days from closing date</p> <p>1.7. The MBDA SCM policy will apply.</p>
<p>CONTACT PERSON</p>	<p>Name: Giovanni Taft Email: formalquotes@mbda.co.za Tel: 041 811 8200</p>
<p>ANY ADDITIONAL REQUESTS/ COMMENTS</p>	<p>NOTE:</p> <ol style="list-style-type: none"> 1. The project management services will be provided in-house by the MBDA <p><u>The following must be provided in order to be considered:</u></p> <ol style="list-style-type: none"> 2. The applicant must make provision in their costing proposal for all costs related to the services required. It should be noted that it is the responsibility of the tenderer to ensure that provision has been made accordingly, and that costs of those services are factored into the tender submission as no further budget variations will be permitted. 3. <u>Timeframes – 2 weeks from order.</u>

ANNEXURE A**IN THE SERVICE OF THE STATE DISCLOSURE FORM (juristic person)**

I, the undersigned

duly authorised by

(the Applicant)

do hereby disclose and confirm the following:

1. No Director, Member, Manager, Principal, Shareholder or Stakeholder of the Applicant is:
 - 1.1 a member of –
 - 1.1.1 any municipal council;
 - 1.1.2 any provincial legislature; or
 - 1.1.3 the Parliament of the Republic of South Africa (the National Assembly or the National Council of Provinces);
 - 1.2 a member of the board of directors of any municipal entity;
 - 1.3 an official of any municipality or municipal entity;
 - 1.4 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);

- 1.5 a member of the accounting authority of any national or provincial public entity; or
- 1.6 an employee of Parliament or a provincial legislature;

Should any statement in 1 above be incorrect, the incorrect provision is to be deleted in ink and reasons are to be recorded below:

- 2. The Applicant is not an advisor or consultant contracted with the NMBMM or the MBDA.

Should the statement in 2 above be incorrect, the clause is to be deleted in ink and reasons are to be recorded below:

SIGNED at _____ on this _____ day of _____ 20____

WITNESSES:

1. _____

2. _____

***For and on behalf of the Applicant, the
1signatory being duly authorised and
warranting such authority***

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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

- a. take all reasonable steps to prevent such abuse;
- b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
- c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

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

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

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

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

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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

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

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

(a) prices;

(b) geographical area where product or service will be rendered (market allocation)

(c) methods, factors or formulas used to calculate prices;

(d) the intention or decision to submit or not to submit, a bid;

(e) the submission of a bid which does not meet the specifications and conditions of the bid; or

(f) bidding with the intention not to win the bid.

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

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

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

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

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Signature Date

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Position Name of Bidder