

CITY OF uMHLATHUZE SUPPLY CHAIN MANAGEMENT UNIT

uMH Q1

DECLARATION BY TENDERER(S)

(Mark appropriate block with "X")

1.

Is the tenderer or any of its directors listed in the National Treasury’s database as a person prohibited from doing business with the public sector?

Yes
☐

No
☐
2.

Are any municipal rates and taxes or municipal service charges owed by the tenderer or any of its directors to the municipality or to any other municipality or municipal entity, in arrears for more than three months?

Yes
☐

No
☐
3.

Has the tenderer or any of its directors failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to the tenderer or any of its directors that the performance was unsatisfactory?

Yes
☐

No
☐
4.

The tenderer understands and acknowledges that an affirmative answer to any of the above 3 (three) questions or discovery of proof indicating an affirmative answer in respect hereof, will result in the disqualification or rejection of the tender.

SIGNATURE OF BIDDER :

DATE :

NAME OF BIDDER :

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uMH Q3

CONTRACTUAL OBLIGATIONS / QUESTIONNAIRE REPLIES *(If applicable)*

1. Are the prices/rates quoted firm? (If not firm please state base and escalation formula in Section H).

Yes ☐ No ☐
(Mark appropriate block with "X")

2. Is the delivery period stated firm?

Yes ☐ No ☐
(Mark appropriate block with "X")

3. How will delivery be affected?

4. Guarantee period

5. Are you the accredited agents in the RSA for the manufacture/supply of the goods offered by you?

Yes ☐ No ☐
(Mark appropriate block with "X")

6. What is the address in the RSA (preferably in the province of KwaZulu-Natal) where a machine/goods as offered by you can be inspected under working conditions?

.....

7. What is the approximate value of spares carried in stock in the RSA for this particular make and model of machine?

.....

8. Where is stock held?

.....

9. What facilities exist for the servicing of the machine/goods offered?

.....

10. Where are these facilities available?

.....

11. What are the names and addresses of the factories where the goods will be manufactured and, if required, inspected?

.....

.....

12. Is a special import permit required?

Yes ☐ No ☐
(Mark appropriate block with "X")

SIGNATURE OF BIDDER:

DATE:

N.B.: THIS FORM IS ONLY TO BE INCLUDED AND COMPLETED WHEN APPLICABLE TO THE QUOTATION

CITY OF uMHLATHUZE SUPPLY CHAIN MANAGEMENT UNIT

uMH Q4

DECLARATION OF INTEREST MBD 4

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, shareholder²):
.....
 - 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 ☐**
(Mark appropriate block with "X")
 - 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 ☐**

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(Mark appropriate block with "X")

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 ☐

(Mark appropriate block with "X")

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 ☐

(Mark appropriate block with "X")

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 ☐

(Mark appropriate block with "X")

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 ☐

(Mark appropriate block with "X")

3.13.1 If yes, furnish particulars.

.....

.....

3.14 Do you or any of the directors, trustees, managers, principle 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 ☐

(Mark appropriate block with "X")

3.14.1 If yes, furnish particulars.

.....

.....

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4. Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	State Employee Number

DATE : SIGNATURE :

CAPACITY : NAME OF BIDDER :

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uMH Q5

SHE Risk Management
SOP: CONTRACTOR SHE FILE



INTRODUCTION

OHS Act Section 16(2) Appointees, Project Managers and Procurement Managers are responsible for ensuring that the OH&S compliance standards are clearly identified, included and addressed in the specifications for quotations / tenders.

Where contractors are hired to carry out any work on behalf of Council, the Supervisor of the Section/s where the contractors are appointed shall be responsible for ensuring that the contractor/s and sub-contractors comply with all legal requirements.

Therefore, identification and progress with regard to correction of any deviations, deficiencies or other difficulties must be recorded and reported to the Section 16(2) Appointee, Project Manager, Procurement Manager, Contractor, SHE Rep and Safety Officer immediately.

REQUIRED DOCUMENTATION

Below is some of the necessary documentation which the Contractor should have in his/her SHE File once a tender/ quotation has been awarded, at the arranged Induction and prior to commencement of work.

Thereafter the Contractor shall meet with the responsible municipal Section 16(2) Appointee and / or designated Project Manager and Safety officer. The contractor must present the SHE file containing the following documents for verification to the respective Safety officer.

No	Description	Confirmed	Verified	Designation Signature Date
1	Copy of order number and details of contract including scope of work			
2	Positive Identification (ID)			
3	Compensation Commissioner Registration Number and Letter of good standing			
4	Signed Section 37 mandatory agreement			
5	Employers health and safety specification for scope of work			
6	A risk assessment (based on scope of work) on all significant hazards identified, covering legislated and job specific items, and proof that employees have been informed of such risks associated with the task at hand			
7	Proof of Training & Competence of Supervisors & Personnel			
8	Trade Papers (In the case of Artisans)			
9	Any applicable licenses required by legislation			
10	OHS Act Letters of appointment – Responsible SHE person and SHE Rep/s			
11	Copies of written standard operating procedures that will be followed / checked during the work			
12	PPE registers with task specific requirements and proof of issue			
13	Copies of up-to-date inspection registers required by the Act – e.g. ladders, fire extinguishers, portable electric equipment, compressors/pressure vessels, lifting tackle and gear, etc			
No	Description	Confirmed	Verified	Designation Signature Date

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14	Safe Work procedures and Planned Task Observations- and proof that employees have been informed of and understand such			
15	Incident reporting and investigation forms			
16	Work Permits for listed work			
17	Where applicable: EIA forms			
18	Where applicable : e.g. Working from heights (A Fall Protection Plan will be required)			
19	Where applicable – e.g. working with asbestos, copies of medical clearance certificates; Note: Proof of Hepatitis immunisation must be on file for all employees who may be exposed to effluent and other hazardous biological agents			
20	Tool and equipment check lists			
21	Minutes of Safety meetings- held at least quarterly			
22	Information on the topics which will be addressed at daily toolbox talks			

NB! The Documents referred to in no 4 above can be obtained from the Municipal Representative/ Project Manager.

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uMH Q6

COPY OF LATEST MUNICIPAL ACCOUNTS TO BE ATTACHED TO THIS PAGE

Council's Supply Chain Management Policy Clause 29 (1) (c) states that:

- (1) *The bid evaluation committee must:*
 - (c) *check in respect of the recommended bidder whether municipal rates and taxes and municipal service charges are not in arrears*

Clause 13. General

A written quotation or bid may not be considered unless the provider/ bidder who submitted the quotation or bid:

(a) has furnished the municipality with that provider's:

.....

(iv) statement(s) proving that water, electricity, rates and business levy accounts of the owners or directors of the company, including the business are up to date or formal payment arrangement have been made; and

Clause 38(1)(d) states that :

- (1) *The accounting officer must–*
 - (d) *reject any bid from a bidder–*
 - (i) *if any municipal rates and taxes or municipal service charges owed by that bidder or any of its directors to the municipality, or to any other municipality or municipal entity, are in arrears for more than three months; or*

NB !! If Bidder has more than one Municipal account, copies of all accounts to be attached.

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uMH Q9

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

.....

(Bid Number and Description)

in response to the invitation for the bid made by: uMhlathuze Municipality

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.

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.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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.
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.

SIGNATUR:

DATE:

POSITION:

NAME OF BIDDER:

