



## INVITATION TO BID

### REQUEST FOR FORMAL WRITTEN PRICED QUOTATIONS

**ADVERT DATE: 12 March 2019**  
**CLOSING DATE: 20 March 2019**

**CLOSING TIME: 12H00**

**BID DESCRIPTION: INDEPENDENT COMPLIANCE REVIEW**

**BID DOCUMENTS MUST BE DEPOSITED IN THE BID BOX SITUATED AT:**  
Offices of the Johannesburg Development Agency, 3 Helen Joseph Street, The Bus Factory, Newtown, Johannesburg, 2000

**Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.**

**NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE** (see definition below)

<sup>1</sup>\*MSCM 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.

#### ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

**Department:** Procurement  
**Contact Person:** Ms Claudia Mahlaule  
**Tel:** 011 688 7807  
**Fax:** 011 688 7899  
**E-mail:** [cmahlaule@jda.org.za](mailto:cmahlaule@jda.org.za)

#### ANY REQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

**Department:** Risk and Compliance Management  
**Contact Person:** Bobby Johnston  
**Tel:** 011 688 7851  
**Fax:** 011 688 7899  
**E-mail:** [bjohnston@jda.org.za](mailto:bjohnston@jda.org.za)

**PLEASE NOTE: QUOTATIONS MUST BE SUBMITTED ON THE QUOTATION DOCUMENTATION ISSUED. QUOTATION DOCUMENTATION MUST NOT BE REPRODUCED OR REARRANGED. ANY ADDITIONAL INFORMATION MUST BE SUBMITTED AS A SEPARATE ATTACHMENT TO THE QUOTATION DOCUMENT FAILURE TO DO SO WILL RESULT IN YOUR BID BEING DISQUALIFIED.**

**OFFER**

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

BID / RFP NUMBER .....

BID / RFP DESCRIPTION .....

NAME OF BIDDER .....

POSTAL ADDRESS .....

STREET ADDRESS .....

TELEPHONE NUMBER            CODE ..... NUMBER .....

CELLPHONE NUMBER .....

FACSIMILE NUMBER            CODE ..... NUMBER .....

VAT REGISTRATION NUMBER .....

CSD SUPPLIER NUMBER.....

COMPANY REGISTRATION NUMBER.....

TAX VERIFICATION PIN.....

TOTAL BID PRICE ..... excluding Value Added Tax

TOTAL BID PRICE in words

.....

.....

.....

..... excluding Value Added Tax

SIGNATURE OF BIDDER .....

CAPACITY UNDER WHICH THIS BID IS SIGNED .....

DATE .....

**THE ABOVE PARTICULARS MUST BE FURNISHED. FAILURE TO DO SO WILL RESULT IN THE BID BEING DISQUALIFIED**

**The following conditions will apply:**

- A copy of a valid Tax Compliant Status Letter from SARS must be submitted. No award will be made to a service provider whose tax matters are not in order with the SARS.
- No award will be made to a service provider who is not registered on the National Treasury Central Supplier Database.
- An original and valid BBBEE status level verification certificate or a certified copy thereof must be submitted.
- **An EME must submit a sworn affidavit confirming the following :**
  - **Annual turnover revenue of R10 million or less; and**
  - **Level of black ownership**

**Any misrepresentations in terms of the above constitutes a criminal offence as set out in the B-BBEE Act as amended**

- A copy of the bidder's latest municipal account in the name of the bidder or alternatively in the names of the directors / partners of the bidding entity must be submitted.
- Price(s) quoted must be valid for at least thirty (30) days from date of your offer.
- Price(s) quoted must be firm and must be exclusive of VAT.
- If the price quoted is above R 30 000 (inclusive of VAT), the quotation will be evaluated in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Framework Act (No. 5 of 2000).

**Failure to comply with these conditions may invalidate your offer.**

**To all our stakeholders**

**RE: The channels of reporting fraudulent and Corrupt Activities**

The City of Johannesburg has a **zero-tolerance approach to Fraud, Theft, Corruption, Maladministration, and Collusion** by suppliers with employees. To reinforce this commitment, more channels have been added to report any Fraudulent and Corrupt activities.

Instances of corporate fraud and misconduct remain a constant threat to service delivery. The City of Johannesburg took a resolution to adopt strategic interventions aimed at combatting fraud and corruption. The City took a decision to centralize the reporting of fraudulent and corrupt activities through the establishment of an independent fraud hotline which is managed by independent service providers.

All people doing business with the Johannesburg Development Agency are encouraged to report any corrupt or illegal practice.

Employees are encouraged to report fraud, waste or other concerns suggestive of dishonest or illegal activities.

**Anyone can report fraudulent and corrupt activities through one of the following channels:**

- Toll free number.....0800 002 587
- Toll free Fax .....0800 007 788
- SMS (charged @ R1.50).....32840
- Email Address:.....anticorruption@tip-offs.com
- Web site:.....www.tip-off.com
- Free post:.....Free post, KNZ 138, Umhlanga, 4320



Let's join hands to take up the Fight against Fraud and Corruption in our society.

## FRAUD DETECTION REVIEW ON PROJECT IMPLEMENTATION

### 1. LOCATION

The Independent Compliance Review process should be undertaken at the successful bidder's offices/ JDA offices

### 2. SCOPE OF WORK

The Independent Compliance Review should at minimum assess the following objectives:

- 2.1 Verify all regulatory and internal compliance requirements and organizational responsibilities are properly aligned in the compliance universe. This would require the understandability of the environment in which the entity operates, confirm whether the regulatory universe has identified all relevant compliance obligations stemming from applicable laws & regulations. Determine whether these have been categorised in terms of the adopted compliance framework. Where inaccuracies, omissions or changes are required, compliance universe should be updated.
- 2.2 Gather Internal and External Intelligence: Tap into the collective intelligence of the entity by soliciting thoughts from the Board, management and employees. Also look beyond the walls of the organization to understand industry developments with regards to compliance.
- 2.3 Confirmation of compliance objectives: Review objectives (things to accomplish in order to achieve a goal) from an entity and business unit standpoints.
- 2.4 Determine Whether Compliance Risks are Relevant, If not Tweak or Adjust to ensure Alignment: Identify risks, probabilities, and the significance in terms of both qualitative and quantitative measures. Consider scenarios from a cause-and-effect standpoint.
- 2.5 Align Controls: Policies, procedures, and actions within a process, should be in place to address the risks to best achieve objectives.
- 2.6 Verify Buy-In and Understandability: Everyone needs to know their roles. For control owners to be expected to act appropriately, they need to understand the "why" and "how" of the compliance program. Controls need to be clearly communicated, ideally with a feedback loop so control owners can voice their insights and concerns.
- 2.7 Test Cultural Support: Determine if the organisational culture and all relevant business units are supportive of a strong corporate compliance program.
- 2.8 Ascertain On-Going Compliance effectiveness: assess monitoring, internal audit and special reviews into the compliance program to help ensure that controls are operating effectively. This effort should also seek to identify the most-efficient alignment of responsibilities and controls.
- 2.9 Train, Educate and Communicate: Share compliance information with the business units and other relevant stakeholders.

2.10 Measure Results and Report to Executive Committee and Audit & Risk Committee: Develop a reporting dashboard to keep management groups and the Sub-Board structure aware of compliance measures, trends and developments.

### 3. DURATION

The estimated period of the Independent Compliance Review has been scheduled for two (2) months from the date of receipt of the appointment letter for final output delivery.

**NB: ONLY REGISTERED ENGINEERS WITH COMPLIANCE EXPERIENCE WILL BE CONSIDERED.**

### 4. THE DELIVERABLES

- 4.1 Updated Compliance Universe
- 4.2 Compliance assessment or verification report
- 4.3 Compliance evidence files referenced to Compliance Universe
- 4.4 Awareness presentation to all employees on the Updated Compliance Universe including the importance and consequence of non-compliance
- 4.5 Report to EXCO and Audit & Risk Committee on the outcomes of the compliance assessment and changes effected to the Compliance Universe

### 5. NOTES FOR PRICING

The bidder is to quote a comprehensive price based on the Scope of work to be done as highlighted in **Section 2** of this document

**TOTAL FEE TO BE TRANSFERRED TO THE OFFER PAGE**

### 6. PRESENTATION OF QUOTATIONS

Submissions are to consist of a short (**not to exceed 15 pages**) and comprehensible report that must provide the JDA with sufficient information to make a sound and fair evaluation of the quotation as well as the experience and capability of the applicant to undertake and manage the project successfully. The report should **use the same item numbers as below** for the required sections of the report.

The following information must be clearly spelt out:

1. **BRIEF** company background, lists of **SIMILAR (not all)** projects (including client name, contact person, telephone number, value of the project, and the consulting fee value, nature of the project, required deliverables).
2. A copy of a valid Tax Compliant Status Letter from SARS.
3. A copy of the tenderer's latest municipal rates account in the name of the tenderer or alternatively in the names of the Directors / Partners of the tendering entity. Copies of lease agreements **will be accepted**.
4. An original and valid BBBEE status levels verification certificate or a certified copy thereof, substantiating the bidding entities BBBEE rating. Only certificates issued by verification agencies accredited by the South African

Accreditation System (SANAS), or by registered auditors approved by the Independent Regulatory Board of Auditors (IRBA) will be accepted. An EME must submit a sworn affidavit confirming the following:

- Annual Turnover Revenue of R10 million or less; and
- Level of Black ownership
- Any misrepresentation in terms of bullet point above constitutes a criminal offence as set out in the B-BBEE Act as amended.

5.A **CERTIFIED COPY** of the organisation's Professional Indemnity Insurance indicating the value per claim, excess, and expiry date. If applicable.

6. An original letter from the tenderer's bank confirming account information.

7.A statement from an independent auditor / accountant regarding the tenderer's financial standing to undertake this project.

8. Bidders are required to submit detailed quotations based on the required deliverables defined in rand terms. Applicants are to illustrate the fee proposal linked to deliverables. All disbursements, etc. are to be **included** in the quotations. **Applicants must ensure that the TOTAL FEE IS CORRECTLY CALCULATED AND TRANSFERRED TO THE OFFER PAGE.**

9. The attached forms A to E annexed, must be scrutinized, completed and submitted together with your quotation.

**Failure to comply with the requirements above will result in tenderers been negatively scored for responsiveness or disqualified for non-compliance.**

**Note for consortium and joint ventures**

- The items above are to be addressed and completed by **EACH** member of the consortium or joint venture.
- An agreement between all parties of the consortium or joint venture is to accompany the tender submission
- A lead consultant is to be appointed and noted in the submission

**Failure to comply with these conditions may invalidate your offer.**

## **7. ASSESSMENT CRITERIA**

Submissions will be evaluated on the criteria to follow:

- Technical
- BBBEE status
- Price / BBBEE

### **7. Technical**

The technical assessment is based on the criteria set-out below.

#### **7.1 Technical**

The technical assessment is based on the criteria set-out below

Tenderers will have to submit compliant documents and score a minimum number of points in the technical evaluation in order to be considered further in the evaluation process.

**Total points 450**

**Minimum points required 315 which is 70%**

Table A	Total Points	Criteria	Description of Criteria	Points
<b>Responsiveness</b>	<b>50</b>	<b>Company registration documents</b>	Points will only be allocated for key returnable documents submitted	10
		<b>Current municipal account</b>		10
		<b>3 Years of audited financial statements</b>		10
		<b>Certified copies of directors / partners identity documents</b>		NA
		<b>Standard project approach and methodology</b>		10
		<b>Forms A to E, completed in full and signed</b>		10

Table B	Total Points	Criteria	Description of Criteria	Points
<b>QUALIFICATIONS</b>				
<b>Copies of Qualifications</b>	<b>150</b>	<b>Project Leader</b>	Risk/Audit/Legal/Compliance Management/or related Post-Graduate Qualification and certified professional in any of the relevant professional bodies	50
			Risk/Audit/Legal/Compliance Management/or or related Post-Graduate Qualification	40
			Audit/Legal/Business Management/or related Under-Graduate Qualification	30
		<b>Senior Consultant</b>	Risk/Audit/Legal/Compliance Management/or related Post-Graduate Qualification and certified professional in any of the relevant professional bodies	50



Table A	Total Points	Criteria	Description of Criteria	Points
			Risk/Audit/Legal/Compliance Management/or related Post-Graduate Qualification	40
		<b>Consultant</b>	Risk/Audit/Legal/Compliance Management/or related Under-Graduate Qualification	30
			Risk/Audit/Legal/Compliance Management/or related Post-Graduate Qualification and certified professional in any of the relevant professional bodies	50
			Risk/Audit/Legal/Compliance Management/or related Post-Graduate Qualification	40
Risk/Audit/Legal/Compliance Management/or related Under-Graduate Qualification	30			

PROPOSED PERSONNEL EXPERIENCE				
<b>Detailed CVs indicating track record of the proposed key team members</b>	<b>150</b>	<b>Project Leader</b>	10 + years' experience in Risk/Audit/Legal/Compliance Management	50
			5-9 years' experience in Risk/Audit/Legal/Compliance Management	40
			3-4 years' experience in Risk/Audit/Legal/Compliance Management	30
		<b>Senior Consultant</b>	5-9 years' experience in Risk/Audit/Legal/Compliance Management	50
			3-4 years' experience in Risk/Audit/Legal/Compliance Management	40
			1-2 years' experience in Risk/Audit/Legal/Compliance Management	30

Table A	Total Points	Criteria	Description of Criteria	Points
		<b>Consultant</b>	3-4 years' experience in Risk/Audit/Legal/Compliance Management	50
			1-2 years' experience in Risk/Audit/Legal/Compliance Management	40
			0-1 years' experience in Risk/Audit/Legal/Compliance Management	30

Table C	Points	Criteria	Description of Criteria	Points
<b>Experience on similar projects</b>  <b>Contactable references for projects</b>	<b>A total of 100 points is achievable for Company experience in similar completed projects</b>  <b>Contactable references on projects</b>	<b>Five or more projects completed</b>	Points will only be allocated for related projects  Project information contained elsewhere in the tender submission will not be considered.  Points will only be allocated for references on similar projects  References must be on the client's letterhead or on a document stamped by the client and must confirm the project description, services rendered, and values in order to obtain the points.	100

## 7.2 BBBEE Status

Having completed a technical evaluation, points will be awarded for empowerment (BBBEE), in accordance with the Preferential Procurement Regulations 2017 published in Government Gazette No. 40553 dated 20 January 2017. The following table is applicable in this regard:

B-BBEE Status Level Of Contributor	Number of Points
	Tenders up to R50 million
1	20

2	18
3	14
4	12
5	8
6	6
7	4
8	2
<b>Non-Compliant contributor</b>	<b>0</b>

## Notes:

- 7.2.1 “B-BBEE status level of contributor” means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act ( Act No.53 of 2003).
- 7.2.2 Tenderers must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating. Certificates issued by either verification agencies accredited by the South African Accreditation System (SANAS) or by registered auditors approved by the Independent Regulatory Board for Auditors (IRBA) are acceptable.
- 7.2.3 An EME must submit a sworn affidavit confirming the following:
- Annual Turnover Revenue of R10 million or less; and
  - Level of Black ownership
  - Any misrepresentation in terms of bullet point above constitutes a criminal offence as set out in the B-BBEE Act as amended.
- 7.2.4 The submission of such certificates must comply with the requirements of instructions and guidelines issued by the National Treasury and be in accordance with notices published by the Department of Trade and Industry in the Government Gazette.
- 7.2.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 7.2.6 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate tender.
- 7.2.7 A person will not be awarded points for B-BBEE status level if it is indicated in the tender documents that such a tenderer intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a tenderer qualifies for.
- 7.2.8 A person awarded a contract will not be permitted to sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned.

**7.3 Price and Empowerment**

Having completed a technical evaluation, the procedure for the evaluation of technically qualifying tenders is Method 2 (Price and Preferences). The Preference Point System assigns a score to each tenderer based on the tender price and on the tenderer's BBBEE status. These scores are combined to determine an overall score for the tender. The tender with the highest score will be considered for acceptance.

The Preference Point System will be applied as follows:

- 80 points are assigned to price
- Up to 20 points are assigned to BBBEE status per the table under item 6.2

The total preference points for a tender are calculated with the formula

**PP = P<sub>s</sub> + P<sub>bee</sub> Where**

**PP** is the total number of preference points scored by the tenderer

**P<sub>s</sub>** is the points scored for the comparative price of the tenderer, and

**P<sub>bee</sub>** is the number of points awarded to the tenderer based on his certified B-BBEE status level

Formula for scoring tender price

The following formula will be used to calculate the points for price.

$$P_s = X [1 - \frac{(P_t - P_{min})}{P_{min}}]$$

**P<sub>min</sub>**

Where

**P<sub>s</sub>** = Points scored for comparative price of tender under consideration

**P<sub>t</sub>** = Comparative price of tender under consideration

**P<sub>min</sub>** = Comparative price of lowest acceptable tender

**X = Points** assigned to price

## 8. CLOSING DATE, TIME AND VENUE FOR SUBMISSIONS

The words “**INDEPENDENT COMPLIANCE REVIEW**” must be written / typed clearly on the envelope. The envelope must be deposited in the tender box at the Johannesburg Development Agency, Ground Floor, The Bus Factory, 3 Helen Joseph Street (formerly known as President) and Newtown only between the hours of 08H00 and 12H00.

**The RFQ closes at 12h00 on 20 March 2019.**

NO LATE / TELEPHONIC / FAXED / POSTAL TENDERS WILL BE ACCEPTED OR CONSIDERED.

The Johannesburg Development Agency's selection of qualifying tenders shall be in the Johannesburg Development Agency's sole discretion and shall be final. The Johannesburg Development Agency does not bind itself to accept any particular Tender and no correspondence will be entered into.

Queries can be addressed in writing to:

**Contact Person:** Bobby Johnston

**E-mail:** [bjohnston@jda.org.za](mailto:bjohnston@jda.org.za)

**ANNEXURE A: BUSINESS DECLARATION**

**Tender/RFP Number:** .....

**Tender/RFP Description:** .....

**Name of Company:** .....

**Contact Person:** .....

**Postal Address:** .....

.....

**Physical Address:** .....

.....

**Telephone Number:** .....

**Fax Number:** .....

**Cell Number:** .....

**E-mail Address:** .....

**Company/enterprise Income**

**Tax Reference Number :** .....

(Insert personal income tax number if a one person business and personal income tax numbers of all partners if a partnership)

**VAT Registration Number:** .....

**Company Registration Number:** .....

**1. Type of firm**

- Partnership
- One person business/sole trader
- Close corporation
- Public company

Private company

(Tick one box)

**2. Principal business activities**

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

**3. Total number of years company has been in business: .....**

**4. Detail all trade associations/professional bodies in which you have membership**

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

**5. Did the firm exist under a previous name?**

- Yes
- No

(Tick one box)

**If yes, what was its previous name? .....**

**6. How many permanent staff members are employed by the firm:**

**Full Time** : .....

**Part Time** : .....

**7. In the case of a firm which renders services for different disciplines, how many permanent staff members are employed by the firm in the discipline for which you are tendering:**

**Full Time** : .....

**Part Time** : .....



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This authority may be cancelled by me/us giving **30 days'** notice in writing.

**BANK** : .....

**BRANCH** : .....

**BRANCH CODE** : .....

**ACCOUNT NUMBER** : .....

**ACCOUNT HOLDER** : .....

**TYPE OF ACCOUNT** : .....

**CONTACT PERSON** : .....

**CONTACT NUMBER** : .....

**PLEASE INCLUDE ORIGINAL SIGNED AND STAMPED LETTER FROM THE BANK CONFIRMING THE COMPANY'S BANKING DETAILS, PHOTOSTAT COPIES AND LETTERS BEARING ELECTRONIC SIGNATURES WILL NOT BE ACCEPTABLE.**

The undersigned, who warrants that he/she is duly authorised to do so on behalf of the company, affirms that the information furnished in response to this request for proposal is true and correct:

**SIGNATURE** : .....

**NAME IN FULL** : .....

**CAPACITY** : .....

**DULY AUTHORIZED TO SIGN ON BEHALF OF:** .....

**DATE** : .....

**COMPANY STAMP**



**ANNEXURE B: DECLARATION OF INTEREST**

- 1. No bid will be accepted from persons in the service of the state\*.
  
- 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: .....

3.2 Identity Number: .....

3.3 Position occupied in the company (director, trustees, shareholder\*\*) .....

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**

If yes, furnish particulars

.....  
.....

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

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**

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**

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**

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**

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 businesses whether or not they are bidding for this contract?

**YES / NO**

If yes, furnish particulars

.....

.....

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

FULL NAME	IDENTITY NUMBER	STATE EMPLOYEE NUMBER

**CERTIFICATION**

**I, THE UNDERSIGNED (FULL NAME)**

.....

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.**

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

.....  
Signature

.....  
Position

.....  
Name of Bidder

.....  
Date

\* MSCM 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.

\*\* "Stakeholder" 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.

### **ANNEXURE C: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the 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).
- 4 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 as a company or person prohibited from doing business with the public sector? <b>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).</b>	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)? <b>(To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
Item	Question	Yes	No

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:		

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 IS TRUE AND CORRECT.**

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

.....  
Signature

.....  
Position

.....  
Name of Bidder

.....  
Date



ANNEXURE D: PARTICULARS OF CONTRACTS AWARDED BY AN ORGAN OF STATE\*\*\* DURING THE LAST 5 YEARS cont.

EMPLOYER	CONSULTING ENGINEER	NATURE OF WORK	VALUE OF WORK	YEAR COMPLETED

\*\*\* Organ of State means-

- ◆ a) a national or provincial department;
- ◆ b) a municipality;
- ◆ c) a constitutional institution defined in the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- ◆ d) Parliament;
- ◆ e) a provincial legislature;
- ◆ f) any other institution or category of institutions included in the definition of “organ of state” in section 239 of the Constitution and recognised by the [Minister](#) by notice in the *Government Gazette* as an institution or category of institutions to which [this Act](#) applies

.....  
Signature  
(of person authorised to sign on behalf of the organisation)

.....  
Position

.....  
Name of Bidder

.....  
Date



## **ANNEXURE E: CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

*Independent Compliance Review*

in response to the invitation for the bid made by:

*Johannesburg Development Agency*

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 consortium will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraph 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.

.....  
Signature

.....  
Position

.....  
Name of Bidder

.....  
Date