



Karoo Hoogland

Munisipaliteit / Municipality

REQUEST FOR FORMAL WRITTEN PRICE QUOTATIONS

Procurement from R0.00 up to a transaction value of R300 000.00 (VAT inclusive)
(For Publication on Karoo Hoogland Website and Notice Boards)

QUOTATION NUMBER: RFQ R23/9/1193/2026-2027

ADVERTISING DATE: 09/10/2026

CLOSING DATE: 20/10/2026

CLOSING TIME: 12:00

Karoo Hoogland Municipality hereby invites suitably qualified and experienced service providers to submit written quotations for:

PROVISION OF INDEPENDENT LEGAL OPINION ON THE LAWFULNESS AND AUTHORITY FOR THE WRITE-OFF OF A NEGATIVE SICK LEAVE BALANCE

The following conditions will apply:

- Late quotations will not be accepted.
- Price(s) quoted must be valid for at least 90 days from closing date of quotation.
- Price(s) quoted must be firm and inclusive of VAT.
- Delivery must be take place within 7 days after receipt of an official order, unless otherwise stated.
- Quotations will be evaluated in accordance with the 80/20 preference points system and the evaluation criteria as set out in the specifications of this RFQ.
- Quotation are subject to the Preferential Procurement Regulations, 2022.
- The successful bidder will be the bidder scoring the highest points, unless objective criteria justify otherwise.
- Payments to the successful provider will be processed within 30 days after receipt of a valid tax invoice for goods and/or services rendered to the satisfaction of the municipality.
- Failure to comply with the requirements of this RFQ may invalidate the quotation submitted.

Required Returnable Documentation:

Bidders must submit the following:

- CSD Registratio Report: <https://secure.csd.za>
- Valid Tax Compliance Status (SARS Tax Pin)
- Campany Registration Documents (e.g. CK document).
- Certified ID copies of directors/shareholders
- Municipal account not older than 3 months, lease agreement or SAPS affidavit accompanied by a ward councillor confirmation.
- Details of relevant municipal, labour and employment-law experience
- LPC practicing certificate for lead attorney
- Completed and signed quotation on the service provider's letterhead
- At least three (3) relevant reference letters
- All other returnable documentation as specified in the RFQ and applicable SCM requirements
- Completed MBD Forms:
 - MBD 4 (Declaration of Interest)
 - MBD 6.1 (Specific Goals – ID documents of the directors and shareholders must be attached)
 - MBD 8 (Declaration of Bidders past supply chain management practices)
 - MBD 9 (Certificate of independent Bid determination)
 - MBD 15 (Municipal accounts (not older than 3 months) .

NB: No quotation will be considered from persons in the service of the state!

Mr. J Jonkers
MUNICIPAL MANAGER

1. BACKGROUND

Karoo Hoogland Municipality requires the services of a suitably qualified and experienced legal practitioner or law firm to provide an **independent formal legal opinion** regarding the lawfulness and legal authority for the implementation of a Council resolution concerning the write-off of the negative sick leave balance of a former employee of Karoo Hoogland Municipality.

Council considered the matter in light of the exceptional circumstances surrounding the employee's prolonged medically certified illness, his incapacity and the fact that he passed away before the incapacity process could be concluded. Council resolved on **27 August 2026** that the Municipality should obtain an independent legal opinion regarding the legal basis and authority for the write-off of the negative sick leave balance. The requirement for an independent legal opinion is further informed by feedback received from the **Auditor-General South Africa (AGSA)**, which indicated that AGSA does not provide legal opinions or approve Council decisions and that Council and management remain responsible for ensuring that the decision is lawful, properly authorised and appropriately implemented. The appointed service provider will therefore be required to undertake an independent legal assessment and provide a written legal opinion to the Municipality.

2. PURPOSE OF THE RFQ

The purpose of this RFQ is to appoint a suitably qualified and experienced legal practitioner/legal firm to:

- assess the legal validity and authority for the write-off of the negative sick leave balance of the Employee in question.
- determine whether Council had the requisite legal authority to approve the write-off;
- assess whether the resolution may lawfully be implemented;
- identify any legislative, regulatory, collective-agreement, policy or procedural requirements that must be satisfied before implementation;
- advise on any risks associated with implementing the resolution;
- advise on any further Council or administrative action required; and
- provide a formal written independent legal opinion for consideration by the Municipality.

3. SCOPE OF WORK

The appointed service provider must conduct a comprehensive legal assessment of the matter, including but not limited to the following:

3.1 Legal Authority for the Write-Off

Determine whether Karoo Hoogland Municipality has the legal authority to write off the negative sick leave balance of the identified employee.

The legal opinion must specifically address:

- the source of Council's authority to approve such a write-off;
- whether Council is legally empowered to waive, write off or otherwise regularise a negative sick leave balance;
- whether any statutory or regulatory limitation applies;
- whether the decision falls within Council's powers or should be dealt with under delegated authority;
- whether any approval, concurrence, consultation or other process is required from another organ of state or authority.

3.2 Applicable Legislation and Regulatory Framework

The service provider must identify and consider all legislation and regulatory instruments relevant to the matter, including, where applicable:

- Local Government: Municipal Systems Act, 32 of 2000;
- Local Government: Municipal Finance Management Act, 56 of 2003;
- Basic Conditions of Employment Act, 75 of 1997;
- Labour Relations Act, 66 of 1995;
- applicable **Municipal Staff Regulations**;
- applicable collective agreements concluded within the South African Local Government Bargaining Council (SALGBC);
- applicable conditions of service;
- Karoo Hoogland Municipality's leave and human resource policies;
- applicable financial policies and delegations;
- applicable accounting and audit requirements; and
- any other legislation, regulation, circular, collective agreement or legal instrument considered relevant.

3.3 Circumstances of the Employee

The legal opinion must consider the specific circumstances of the employee, including:

- the nature and duration of his medically certified illness;
- the negative sick leave balance recorded by the Municipality;
- the circumstances under which the negative balance arose;
- the absence of misconduct associated with the matter;
- the incapacity process that was initiated;
- the fact that the employee passed away before conclusion of the incapacity process; and
- Council's consideration of the exceptional circumstances when adopting its resolution.

The service provider must advise whether these circumstances have any legal relevance to Council's authority to write off the negative balance.

3.4 Council Resolution

The service provider must consider the wording and legal effect of Council's resolution of **27 August 2026** and advise:

- whether the resolution was competent and lawfully adopted;
- whether the resolution provides sufficient authority for implementation;
- whether any further Council resolution or amendment is required;
- whether implementation of the resolution may expose the Municipality to legal, labour, financial or audit risk; and
- whether the resolution should be implemented, reviewed, amended or referred back to Council.

3.5 Labour Relations and Employment Law

The service provider must assess whether the proposed write-off is consistent with applicable labour and employment law.

The opinion must be considered, amongst other matters:

- the employee's contractual and statutory leave entitlement;
- applicable sick leave provisions;

- the legal treatment of negative leave balances;
- whether a negative sick leave balance constitutes an amount owed by the employee to the Municipality;
- whether such amount may lawfully be waived or written off;
- whether the employee's death affects the Municipality's rights or obligations;
- whether the estate of the deceased has any potential liability in respect of the negative balance; and
- whether implementation may establish employment practice or precedent affecting other employees.

3.6 Collective Agreements and Conditions of Service

The service provider must determine whether any applicable collective agreement, SALGBC agreement, municipal conditions of service, policy or staff regulation govern the treatment of negative sick leave balances.

Where such provisions exist, the service provider must clearly indicate:

- the relevant provision;
- its legal effect;
- whether Council may depart from or waive the provision; and
- any consultation, bargaining or other process that may be required.

3.7 Financial and MFMA Considerations

The service provider must advise on any relevant financial-law considerations arising from the write-off, including:

- whether the write-off constitutes a loss, impairment, debt write-off or other financial transactions;
- whether the Municipal Finance Management Act or related regulations impose specific requirements;
- whether any financial delegation or approval is required;
- whether the matter should be dealt with in accordance with the Municipality's debt/write-off or financial policies;
- whether the Municipality is required to maintain specific supporting documentation; and
- any potential audit implications.

3.8 Audit and AGSA Considerations

The legal opinion must consider the feedback received from AGSA and specifically address whether the proposed implementation can be supported from a legal and governance perspective.

3.9 Precedent and Equal Treatment

The service provider must advise on the potential precedent created by the decision and whether implementation of the write-off could result in claims or expectations from other current or former municipal employees. The opinion must advise on appropriate wording or documentation to record the **exceptional circumstances** of this specific case and to clarify that the decision does not constitute a general entitlement to the write-off of negative sick leave balances.

3.10 Estate and Annual Leave

Although the primary purpose of the RFQ is the negative sick leave balance, the legal practitioner must, where necessary, provide advice on the relationship between the negative sick leave balance and any accrued annual leave amount payable to the estate of the late employee.

The opinion should specifically advise whether:

- the negative sick leave balance may lawfully be set off against amounts due to the estate;
- any amount may be deducted from accrued annual leave;
- the annual leave payment should be processed independently of the sick leave write-off; and
- any further documentation or authority is required before payment is made to the deceased estate.

4. REQUIRED LEGAL DELIVERABLE

The appointed service provider must provide a **formal written independent legal opinion** addressed to Karoo Hoogland Municipality.

The legal opinion must:

1. clearly set out the factual background considered;
2. identify the legal questions requiring determination;
3. identify and analyse the applicable legislation, regulations, collective agreements, policies and case law where relevant;
4. provide a reasoned legal analysis;
5. clearly state whether the write-off is legally permissible;
6. identify the legal authority supporting or preventing implementation;
7. identify any conditions that must be complied with before implementation;
8. identify any legal, labour, financial or audit risks;
9. advise whether any further Council resolution or administrative action is required;
10. provide recommendations regarding implementation; and
11. provide a clear final conclusion.

The opinion must be sufficiently detailed to enable Council and municipal management to make an informed decision regarding implementation of the resolution.

5. MINIMUM SERVICE PROVIDER REQUIREMENTS

The service provider must:

- be a duly registered legal practitioner or established law firm;
- be authorised to practise law in the Republic of South Africa;
- have demonstrable experience in **municipal law, labour law and/or local government employment matters**;
- have experience advising municipalities or organs of state on employment and governance matters;
- have suitably qualified legal practitioners assigned to the matter;
- demonstrate knowledge of the Municipal Systems Act, MFMA, BCEA, LRA, Municipal Staff Regulations and SALGBC collective agreements;
- be able to provide an independent and objective legal opinion; and
- disclose any actual or potential conflict of interest relating to the Municipality or the matter.

6. CONFIDENTIALITY

All information supplied by the Municipality must be treated as confidential. The service provider must comply with all applicable confidentiality, professional conduct and data-protection requirements. The information supplied may only be used for purposes of conducting the legal assessment and preparing the legal opinion.

7. INDEPENDENCE AND CONFLICT OF INTEREST

The appointed service provider must provide an independent and objective opinion.

Bidders must disclose any existing or potential conflict of interest involved:

- Karoo Hoogland Municipality;
- the employee or his estate;
- current or former municipal officials;
- any employee representative organisation or union involved in the matter; or
- any other party with a direct interest in the matter.

The Municipality reserves the right to reject a quotation where an actual or material potential conflict of interest exists.

8. TIMEFRAME

The appointed service provider must commence the assignment immediately upon receipt of the official appointment/purchase order. The final written legal opinion should preferably be submitted within **10 working days** from receipt of all relevant documentation and instructions. Any anticipated delay must be communicated to the Municipality in writing, together with reasons and a proposed revised completion date.

9. QUOTATION REQUIREMENTS

Quotations must include:

1. A formal quotation on the service provider's letterhead;
2. A brief profile of the legal practitioner/legal firm;
3. Details of relevant municipal and labour-law experience;
4. Details of the legal practitioner(s) who will undertake the assignment;
5. At least three relevant references, preferably involving municipalities or public-sector employment matters;
6. Proposed methodology/approach;
7. Estimated turnaround time;
8. A detailed fee proposal;
9. Confirmation of whether the fee is inclusive or exclusive of VAT;
10. Any anticipated disbursements or additional costs;
11. Confirmation of independence and absence of conflict of interest;
12. Valid tax compliance information/pin as required by the Municipality;
13. CSD registration details;
14. Any other documentation required in terms of the Municipality's SCM requirements.

10. PRICING

Bidders must provide a clear and transparent fee structure.

The quotation should preferably provide:

Description	Amount
Professional legal fees	R
Research/consultation	R
Drafting of legal opinion	R
Disbursements, if any	R
VAT	R
Total Quoted Amount	R

No additional work or expenditure outside the approved quotation may be undertaken without prior written authorisation from the Municipality.

11. EVALUATION OF QUOTATIONS

Quotations will be evaluated in accordance with the Municipality's applicable **Supply Chain Management Policy and prescribed procurement requirements**.

The evaluation may be considered:

- compliance with the RFQ specifications;
- relevant legal experience;
- experience in municipal/local government matters;
- experience in labour and employment law;
- qualifications and experience of the assigned practitioner;
- methodology and understanding of the assignment;
- turnaround time;
- price; and
- applicable preference points and local government procurement requirements.

The Municipality reserves the right to verify references and information submitted by bidders.

12. EXPECTED OUTCOME

The intended outcome is to obtain a **clear, independent and legally defensible opinion** enabling Karoo Hoogland Municipality and Council to determine whether the resolution concerning the write-off of the negative sick leave balance of the late employee may lawfully be implemented.

The legal opinion must provide sufficient certainty regarding:

- (a) the legal authority for the write-off;
- (b) compliance with applicable legislation and collective agreements;
- (c) the validity and implementation of the Council resolution;
- (d) financial and audit implications;
- (e) the treatment of the deceased employee's estate; and
- (f) any further action required by Council or municipal management.

13. RFQ SPECIFICATION APPROVAL

Prepared by: Mr. MC Kennedy

Manager: Human Resources
Karoo Hoogland Municipality

Date: 02 September 2026

14. SUBMISSION

Quotations must be submitted as follows:

- via email to d.vermeulen@karoohoogland.gov.za; or
- by hand delivery to the SCM Office at 2 Mulder Street, Williston.

Hand-delivered quotations must be submitted in a sealed envelope and clearly mark:

Provision of an Independent Legal Opinion on the Lawfulness and Authority for the Write-Off of a Negative Sick Leave Balance

15. ENQUIRIES

Manager: Human Resources Management: Mr M. Kennedy @ hr@karoohoogland.gov.za or Me Nicole Meyer @ n.meyer@karoohoogland.gov.za

SCM: Mrs D. Vermeulen @ d.vermeulen@karoohoogland.gov.za

Closing Date: 20 October 2026

Closing Time: 12h00

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 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 representative: _____

3.2 Identity number: _____

3.3 Position occupied in the company (director, trustee, 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, their 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) provincial legislature, or
 - (iii) the national Assembly or 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, public entity or constitutional institution;
- (e) a member of the accounting authority of any public entity; or
- (f) an employee of Parliament or a provincial legislature.

²Shareholder" means a person who owns shares in the company and is actively involved in the management and control of 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 who may be involved in the evaluation or adjudication of this bid? YES / NO

3.10.1 If yes, furnish particulars: _____

3.11 Are you aware of any relationship between any other bidder and persons in the service of the state who may be involved in the evaluation 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, principal shareholders or stakeholders in the 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, principal shareholders or stakeholders in the 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 have any interest in any other related companies or businesses whether or not they are bidding for this contract? YES / NO

3.14.1 If yes, furnish particulars: _____

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

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Capacity:

.....
Date:

.....
Name of Bidder:

MBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

(This form is in use from 1 September 2024)

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- 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 Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response

to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;

- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1 POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)} \end{array}$$

Where

Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1 POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} \end{array}$$

Where

Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1 In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2 In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of-

- (a) an invitation for tender for income-generating contracts that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of the state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Youth - Ownership percentage as reflected on the tenderer's Central Supplier Database (CSD) registration.				
Ownership – 51% or more ownership as reflected on CSD	5	10		
Ownership – Less than 51% ownership as reflected on CSD	2	4		
*Locality	5	10		
Total Points	10	20		

LOCALITY

Local area of supplier	Number of Points for Preference	
A municipal services account with a business premises address(es) must been attached?	80/20	90/10
Within the boundaries of the Karoo Hoogland Municipality	10	5
Within the boundaries of Namakwa District Municipality	6	3

Within the boundaries of the Northern Cape	4	2
Outside of the boundaries of the Northern Cape	0	0

5. DECLARATION WITH REGARD TO COMPANY/FIRM

5.1 Name of company/firm.....

5.2 Company registration number:

5.3 VAT registration number:

5.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
 - ☐ One-person business/sole propriety
 - ☐ Close corporation
 - ☐ Public Company
 - ☐ Personal Liability Company
 - ☐ (Pty) Limited
 - ☐ Non-Profit Company
 - ☐ State Owned Company
- [TICK APPLICABLE BOX]

5.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

5.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.
- ☐ [TICK APPLICABLE BOX]

5.7 MUNICIPAL INFORMATION

Municipality where business is situated:

Street address of business:

.....

Registered municipal account number:

5.8 Total number of years the company/firm has been in business:

5.9 I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 5, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

.....

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 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 ☐	No ☐
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 ☐	No ☐
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 ☐	No ☐
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 ☐	No ☐
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 ☐	No ☐
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 CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature

.....

Date

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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.

MBD 9

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.
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.

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

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Date

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Position

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Name of Bidder

KAROO HOOGLAND MUNICIPALITY MBD 15 - CERTIFICATE FOR PAYMENT OF MUNICIPAL SERVICES (To be signed in the presence of a Commissioner of Oaths)				
I, the undersigned, in submitting the accompanying bid, declare that I am duly authorised to act on behalf on:		(Name of Enterprise)		
I hereby acknowledge that according to SCM Regulation 38(1)(d)(i), the Municipality may reject the tender of the tenderer if any municipal rates and taxes or municipal service charges owed by the Tenderer or any of its directors/members/partners to the Karoo Hoogland Municipality, or to any other municipality or municipal entity, are in arrears for more than 3 (three) months.				
To the best of my personal knowledge, neither the firm nor any director/member/partner of said firm is in arrears on any of its municipal accounts with any municipality in the Republic of South Africa, for a period longer than 3 (three) months.				
If the value of the transaction is expected to exceed R10 million (VAT included) I certify that the bidder has no undisputed commitments for municipal services towards any Municipality in respect of which payment is overdue for more than 30 days;				
PHYSICAL BUSINESS ADDRESS(ES) OF THE TENDERER			MUNICIPAL ACCOUNT NUMBER	
FURTHER DETAILS OF THE BIDDER'S (Directors / Shareholders / Partners, etc.):				
Director / Shareholder / Partner	Physical address of the Business	Municipal Account Number (s)	Physical / Residential address of the Director / Shareholder / Partner	Municipal Account Number (s)
NB: PLEASE ATTACH CERTIFIED COPY(IES) OF IDENTITY DOCUMENT(S). Failure to comply will result in your bid being marked as non-responsive.				
NB: PLEASE ATTACH COPY(IES) OF MUNICIPAL ACCOUNTS.				
NUMBER OF SHEETS APPENDED BY THE TENDERER TO THIS SCHEDULE (IF NUL, ENTER NIL).				
Therefore, hereby agrees and authorises the Karoo Hoogland Municipality to deduct the full amount outstanding by the Tenderer or any of its directors / members / partners from any payment due to the tenderer; and				

I further hereby certify that the information set out in this schedule and/or attachment(s) hereto is true and correct. The Tenderer acknowledges that failure to properly and truthfully complete this schedule may result in the tender being disqualified, and/or in the event that the tenderer is successful, the cancellation of the contract.

NAME OF ENTERPRISE:

NAME (PRINT):

CAPACITY:

SIGNATURE:

DATE:

COMMISSIONER OF OATHS

Signed and sworn to before me at _____, on this _____ day of _____ 20__ by the Deponent, who has acknowledged that he/she knows and understands the contents of this Affidavit, it is true and correct to the best of his/her knowledge and that he/she has no objection to taking the prescribed oath, and that the prescribed oath will be binding on his/her conscience.

COMMISSIONER OF OATHS:

Position: _____

Address: _____

Tel: _____

Apply official stamp of authority on this Page: