



OFFICE OF THE MUNICIPAL MANAGER

No.29 Dragoon Street
Private Bag X4002, Stutterheim, 4930

Tel: 043 683 5024

Website: www.amahlathi.gov.za

Amahlathi Local Municipality

24 August 2026

BID NOTICE

REQUEST FOR FORMAL WRITTEN QUOTATION: THE RENEWAL AND UPGRADE OF ESET PROTECT LICENCES BY AN ESET PARTNER AT AMAHLATHI LOCAL MUNICIPALITY FOR A TWELVE-MONTH PERIOD (1 YEAR)

Kindly furnish the municipality with a written quotation for the renewal and upgrade of ESET Endpoint to ESET PROTECT Protection and Security licenses by an ESET partner for a period of 12 months at Amahlathi Local Municipality, as detailed in the enclosed schedule.

The Amahlathi Local Municipality requires the appointment of a suitably qualified and experienced service provider for the provision of supply, delivery, and installation of antivirus software. This will be for a period of 1 year and for a total of 150 users and 5 servers.

The minimum specifications are detailed in the RFQ document.

The quotation and completed bid documents must be placed in a sealed envelope endorsed "**BID NO.ALMSCM/13/2025-26 THE RENEWAL AND UPGRADE OF ESET PROTECT LICENCES BY AN ESET PARTNER AT AMAHLATHI LOCAL MUNICIPALITY FOR 12 MONTHS**". Completed documents must be deposited in the bid box situated at the Engineering Department, 29 Dragoon Street (Corner of Brownlee and Dragoon Street), Stutterheim 4930, not later than 01 September 2026, **12h00 pm**.

The following conditions will apply:

- [a] Price(s) quoted must be valid for at least sixty (60) days from the date of your offer.
- [b] Price(s) quoted must be firm and must be inclusive of VAT.
- [c] A firm delivery period must be indicated.
- [d] For all transactions exceeding R15 000.00, the tax reference number at SARS PIN must be furnished.
- [e] Attach CSD Summary Report, Close Corporation (CK), and Copies of Identity documents.
- [e] This quotation will be evaluated in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Policy Framework Act (No 5 of 2000) and Regulations of 2022 and for the ALM Specific Goals.
- [f] The Amahlathi Municipality does not bind itself to accept the lowest quotation or any other quotation and reserves the right to accept the whole or part of the quotation.
Failure to comply with these conditions may invalidate your offer.
- [g] Successful bidders will be required to register as supplier/service provider on the Central Supplier database (CSD) if not already registered.

Yours faithfully


.....
ACTING DIRECTOR: CORPORATE SERVICES
MR. N. MBENDE

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR THE

THE RENEWAL AND UPGRADE OF ESET PROTECT LICENCES BY AN ESET PARTNER AT AMAHLATHI LOCAL MUNICIPALITY FOR A 12-MONTH PERIOD TO MEET THE REQUIREMENTS OF THE AMAHLATHI MUNICIPALITY

BID NUMBER:	ALM/SCM/13/2025-26	CLOSING DATE:	01September 2026	CLOSING TIME:	12h00 pm
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DESCRIPTION: THE RENEWAL OF ESET PROTECT LICENCES BY AN ESET PARTNER

- The successful bidder will be required to fill in and sign a written **Contract Form (MBD 7)**.
- Bid documents must be deposited in the bid box situated at **c/o Dragoon and Brownlee Street, Stutterheim**
- Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.
- The bid box is generally open during office hours.
- All bids must be submitted on the official forms – (not to be re-typed)
- This bid is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations, 2017, the General Conditions of Contract (GCC), and, if applicable, any other Special Conditions of Contract
- **NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (as defined in Regulation 1 of the Local Government: Municipal Supply Chain Management Regulations).**

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

Name Of Bidder		
Postal Address		
Street Address		
Telephone Number	Code:	Number:
Cellphone Number		
Facsimile Number	Code:	Number:
e-mail Address		
VAT Registration Number		
Have you submitted the CSD Summary Report been submitted (MBD 2)?	YES / NO	
Are you the accredited representative in South Africa for the goods/Services offered	YES / NO (IF YES ENCLOSE PROOF)	

SIGNATURE OF BIDDER	
DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED	
TOTAL BID PRICE	
TOTAL NUMBER OF ITEMS OFFERED	

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

**The Amahlathi Local Municipality
Budget and Treasury Office
Supply Chain Management Unit
Tel:**

043-285 0958

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

**Contact Person:
Tel:
Email:**

**Mr. L. Jwaqu
043- 285 0958 (07:45 – 16:30)
ljwaqu@amahlathi.gov.za
bsokrowa@amahlathi.gov.za**

SPECIFICATION FOR THE RENEWAL OF ESET PROTECT LICENCES BY AN ESET PARTNER

BACKGROUND AND OVERVIEW OF THE PROJECT

Amahlathi Local Municipality is hereby inviting suitably qualified and accredited Service Providers to submit their quotations to acquire the services of a suitable Service Provider for the renewal of **ESET PROTECT** Licenses by an accredited ESET Partner.

The municipality seeks to upgrade and renew the existing services to the latest software, in accordance with the terms of reference.

This renewal will ensure uninterrupted endpoint protection and compliance with ICT security governance standards.

The Municipality is currently utilizing ESET Endpoint Antivirus to protect all desktops, laptops, and servers from cybersecurity threats. The antivirus software subscription is renewed annually to ensure continuous protection against viruses, malware, ransomware, spyware, and other emerging cyber threats. The current license is due for renewal. Failure to renew the subscription may leave systems vulnerable due to the absence of critical security updates, virus definition updates, and technical support. This could compromise sensitive municipal data, disrupt operations, and expose the municipality to reputational and financial risks.

The antivirus solution forms part of the Municipality's layered cybersecurity approach and is critical in safeguarding the ICT environment.

OVERALL AND SPECIFIC OBJECTIVES OF THE PROJECT

The Amahlathi Local Municipality requires the appointment of a suitably qualified and experienced service provider to supply, deliver, and install antivirus software. This will be for a period of 1 year and for a total of 150 users and 5 servers.

License Description

Item No	Item Description	Qty	Unit Price	Total Price excl VAT	Vat	Total Price incl VAT
1	ESET Protect Licenses	150				
1.1	Year-1	150				
	Remote or on-site installation on the central server	1				
2	Update ESET PROTECT Software to the latest version	1				
2.1	Cloud Management	1				
2.2	Review and update of ESET Policies	1				
	Server Security licenses	5				
5	Remote Support and Maintenance	1				
	TOTAL			R	R	R

Description	Comply	Do not Comply
Experience		
Supply, delivery, installation, configuration, and upgrade and renewal of licenses that were successfully conducted. (Minimum of 3 projects) 3 appointment letters or 3 purchase orders for completed ESET supply, delivery, and installation projects.		
Expertise		
A project team comprising skilled personnel is required to complete the project. The team must be employed by the bidder. Proof of Qualifications and skills matrix must be attached. (To a maximum of 3) To qualify, the bidder must have the following certified certificates: 1. ESET Managed Client Security Specialist. 2. ESET Cloud Security Specialist 3. ESET Technical Onboarding		
Certificate of compliance (Valid ESET partnership certificate)		
Certified ESET partnership certificate		
To qualify, a bidder must attach a valid partner certificate.		

SCOPE OF WORK

The service provider is expected to supply and deliver the following services within 7 working days of receipt of an appointment letter or Purchase Order from Amahlathi Local Municipality.

- Renew and upgrade the antivirus license seats for all municipal devices.
- Ensure deployment and activation of licenses.
- Provide technical support where required.
- Ensure continuous updates and protection throughout the contract period.
- Support integration with cloud reputation services
- Centralized management on-prem web console and cloud management console (Hybrid)
- Endpoint Security
- Anti-virus\Anti-spyware\ Malware Protection
- Intrusion Prevention\Network Threat Protection
- Vulnerability Scanning
- Anti-virus\Anti-spyware\ Malware Protection
- Intrusion Prevention\Network Threat Protection
- 32- and 64-bit OS compatible.

The duration of the license agreement will be 12 months.

ADMINISTRATIVE REQUIREMENTS

	CRITERIA	WEIGHTING
1.	Price	80
2.	Specific Goals	20
	GRAND TOTAL	100

ABD 3.1
PRICING SCHEDULE – FIRM PRICES (PURCHASES)

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of Bidder.....	Bid Number.....
Closing Time	Closing Date

OFFER TO BE VALID FOR.....DAYS FROM THE CLOSING DATE OF BID.

ITEM QUANTITY DESCRIPTION BID PRICE IN RSA CURRENCY

NO. **(ALL APPLICABLE TAXES INCLUDED)

Required by:

At:

.....
Brand and Model
Country of Origin
.....

Does the offer comply with the specification(s)? *YES/NO
If not to specification, indicate deviation(s)
Period required for delivery

Delivery basis

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

* “all applicable taxes” includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

Delete if not applicable

DECLARATION OF INTEREST

- 1. No bid will be accepted from persons in the service of the state¹.
- 2. Any person, having a kinship with people 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 favoritism, 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 authorized representative declare their position in relation to the evaluating/adjudicating authority.
- 3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

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

3.2 Identity Number:

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

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

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

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

3.8.1 If yes, furnish particulars.

.....

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

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

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

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

3.9.1 If yes, furnish particulars.....

.....

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

3.10.1 If yes, furnish particulars.

.....

.....

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

3.11.1 If yes, furnish particulars
.....
.....

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

3.12.1 If yes, furnish particulars.
.....
.....

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

3.13.1 If yes, furnish particulars.
.....
.....

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

3.14.1 If yes, furnish particulars:
.....
.....

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

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

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

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 **To be completed by the organ of state**
(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the 90/10 preference point system.
- b) The applicable preference point system for this tender is the 80/20 preference point system.
- c) 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:

80/20	or	90/10
$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$	or	$P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$
Where		

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = 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:

0/20

or

90/10

$$\text{Where } P_{\max} \quad \frac{P_s}{\max} = 80 \left(1 + \frac{P_t - P_{\max}}{P_{\max}} \right) \quad \text{or} \quad P_s = 90 \left(1 + \frac{P_t - P_{\max}}{P_{\max}} \right)$$

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

$P_{\max}$ = 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 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 (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)	Required documentation or Proof to claim points
100 % owned by Disabled	2		Confirmation from a medical practitioner
100 % owned by Youth	4		Certified copy of ID Document
100 % owned by woman	4		Certified copy of ID Document
100 % owned by Military Veterans	4		Attach Proof
Development Of SMME's (ALM-6, ADM-4 & EC-3	6		Proof of residence

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. 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]

4.6. I, the undersigned, who is duly authorized 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 4.2, 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 favorable 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:

.....

.....

.....

CONTRACT FORM - RENDERING OF SERVICES

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1.

I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
2.

The following documents shall be deemed to form and be read and construed as part of this agreement:
- i)

Bidding documents, viz
Invitation to bid;

-

Tax clearance certificate;

-

Pricing schedule(s);

-

Filled in task directive/proposal;

-

Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;

-

Declaration of interest;

-

Declaration of Bidder's past SCM practices;

-

Certificate of Independent Bid Determination;

-

Special Conditions of Contract;

(ii)

General Conditions of Contract; and

(iii)

Other (specify)
3.

I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4.

I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5.

I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6.

I confirm that I am duly authorized to sign this contract.

NAME (PRINT)		WITNESSES 1 2
CAPACITY		
SIGNATURE		
NAME OF FIRM		
DATE		

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

- 1. I..... in my capacity as..... accept your bid under reference numberdated..... for the rendering of services indicated hereunder and/or further specified in the annexure(s).
- 2. An official order indicating service delivery instructions is forthcoming.
- 3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	SPECIFIC GOALS

- 4. I confirm that I am duly authorized to sign this contract.

SIGNED AT ON

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1
.....

2
.....

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 ESET PROTECT base of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this ESET PROTECT base 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 ESET PROTECT base 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

.....
Position

.....
Name of Bidder

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 per 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:

(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.

.....
Signature

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Date

.....
Position

.....
Name of Bidder

DIRECTOR'S PERSONAL DETAILS

[illegible]