



**RFQ NO. 03/2024-2025**

Cacadu Development Agency invites prospective service providers to respond to the **“REQUEST FOR QUOTATIONS – SUPPLY AND DELIVERY OF GARDEN EQUIPMENT, SEEDS, AND SEEDLINGS IN KOUKAMMA LOCAL MUNICIPALITY”**.

Quotations and supporting documents should be submitted via email to [formalquotes@cacadudevelopment.co.za](mailto:formalquotes@cacadudevelopment.co.za) by 29 October 2024 no later than 14h00.

The electronic bid document and full advert, outlining requirements is available for download by interested parties from the CDA website, [www.cacadudevelopment.co.za](http://www.cacadudevelopment.co.za).

For further information contact Mr. Nceba Gomba on (041) 508 7070 or email [ngomba@cacadudevelopment.co.za](mailto:ngomba@cacadudevelopment.co.za) or Mr. Siya Ngubo on (041) 508 7143. Please quote **RFQ NO: 03/2024-2025 on the subject line**.

No late, facsimile, or emailed proposals will be accepted for consideration.

**NOTICE No 08 of 2024-2025 dated 17 October 2024**

**Dr E. Uithaler**

**Chief Executive Officer**

**Cacadu Development Agency**

**P O Box 318**

**PORT ELIZABETH**

**6000**



**RFQ 03/2024-2025**  
**SUPPLY AND DELIVERY OF  
GARDEN EQUIPMENT, SEEDS, AND  
SEEDLINGS IN KOUKAMMA LOCAL  
MUNICIPALITY.**

NAME OF BIDDER	:	_____
BIDDERS CSD NO	:	MAAA _____
CONTACT PERSON	:	_____
TELEPHONE NO.	:	_____
EMAIL ADDRESS	:	_____
PHYSICAL ADDRESS	:	_____
	:	_____
	:	_____

**Closing date: Tuesday, 29 October 2024 at 14:00**

# SPECIFICATION DOCUMENT

## REQUEST FOR QUOTATIONS – SUPPLY AND DELIVERY OF GARDEN EQUIPMENTS, SEEDS, AND SEEDLINGS IN KOUKAMMA LOCAL MUNICIPALITY.

<b>To:</b>	<b>ALL PROSPECTIVE SERVICE PROVIDERS</b>
<b>Project Name:</b>	<b>Supply and Delivery of Garden Equipment, Seeds, and Seedlings in Koukamma Local Municipality.</b>
<b>Requestor:</b>	<b>Cacadu Development Agency (CDA)</b>
<b>RFQ NO.</b>	<b>03/2024-2025</b>
<b>NOTICE NO.</b>	<b>08/2024-2025</b>
<b>Bids to be Delivered by:</b>	<b>29 October 2024 at 14:00</b>

### TERMS OF REFERENCE

#### INTRODUCTION

The Cacadu Development Agency (CDA) is a municipal owned entity whose mandate is to facilitate socio-economic development in the Sarah Baartman District Area with a clear vision of inclusive growth.

#### Background:

The Cacadu Development Agency's initiative to support food security through food gardens in the Koukamma Local Municipality, specifically in the Tsitsikamma Region, represents a significant step towards community empowerment and sustainability. By selecting 20 households for the 2024/25 pilot program, the agency aims to bolster local food production and foster self-reliance in these communities.

Using a competition-based approach to encourage participation is a strategic way to motivate households to maintain and expand their backyard gardens. This method not only incentivizes effort but also fosters healthy competition, pushing participants to be innovative and take ownership of their food production. The competitive element may enhance long-term engagement, as households strive to improve their yields and sustainability, ultimately contributing to food security in the region.

In addition to improving food availability, such programs can have broader benefits, including fostering a sense of community, enhancing nutrition, reducing food costs, and potentially generating income through surplus production.

*Quoted*  
17/10/2024

## Request for Quotations

The Cacadu Development Agency is requesting bids from suitable and experienced service providers to supply and deliver garden equipment, seeds, and seedlings in Koukamma Local Municipality.

Prices are to include VAT, where applicable, and delivery fees to the following locations:

1. Guava Juice: Tsitsikamma Development Trust Office.
2. Wittekleibos Community Hall
3. Woodlands Community Hall
4. Thornham Community Hall

### Items to be supplied:

Item Description	Quantity
Wheelbarrows: Steel tray.	20
Spade (Digging spade).	20
Rake: 16 teeth rake all steel.	20
Fork spade: Four prong fork all steel.	20
Pick: 3kg head with poly handle.	20
Hand spade with poly handle.	20
Hand fork with poly handle.	20
Hand rake with poly handle.	20
10L Plastic Watering can with sprinkler nozzle.	20

10 kg NPK (Nitrogen, Phosphorus, and Potassium) Fertilizer.	20
Onion seedlings (to be packed in 20 batches of 50seedlings per batch)	1000
Carrots seeds: 60g sachets.	20
Beetroot seedlings (to be packed in 20 batches of 50seedlings per batch)	1000
Potatoes seeds: 3kg	20
Spinach seedlings (to be packed in 20 batches of 50seedlings per batch)	1000
Beans seeds: 1kg.	20
Tomato seedlings (to be packed in 20 batches of 50seedlings per batch).	1000
Cabbage seedlings (to be packed in 20 batches of 25 seedlings per batch).	500

### PROSPECTIVE BIDDERS SHOULD TAKE NOTE OF THE FOLLOWING QUOTE CONDITIONS

- The Authority of signatory must be attached.
- Proof of Tax Compliance Status must be attached.
- Evidence that the Prospective bidder is registered on the Central Supplier Database (CSD) must be provided.
- All suppliers must quote on all items and services.
- Quotations must be valid for 90 days from the closing date.
- The Agency reserves the right not to accept the lowest bid or any quotation.
- The preferred service provider shall be appointed on the basis that the budget submitted in the bid shall be considered as the final project budget.

- Bidders must complete MBD4, MBD6.1, MBD 8, MBD 9, Municipal Billing Clearance certificate.
- In order to claim for the Specific Goal points, responders are required to submit an original and valid B-BBEE Status Level Verification Certificates or certified copies or the Sworn Affidavits together with their Quotations to substantiate their B-BBEE rating claims and proof of business address (lease agreement or municipal account and any other verifiable evidence).
- The award will be made in terms of the Cacadu Development Agency's Supply Chain Management Policy.

### **Duration**

The appointed bidder is to deliver the goods within 10 working days from the date of contract signature.

### **Evaluation Criteria**

The quotations will be evaluated on a 80/20 preference points system as per the Preferential Procurement Regulations, 2022, where 80 will be used for price and 20 for specific goals.

Only those qualifying Quotes will be evaluated in terms of the 80/20 preference points systems, where the 80 will be used for price (VAT inclusive) and a maximum of 10 points allocated for locality and a maximum of 10 for points allocated for B-BBEE status level of contribution as follows:

<b>B-BBEE Status Level of Contributor</b>	<b>Number of Points</b>
1	10
2	9
3	8
4	6
5	4
6	3
7	2
8	1
Non-Compliant Contributor	0

### **Points allocated for Locality.**

Locality	Procurement under 80/20
	Points
Within the Koukamma Local Municipality	10

Within the Sarah Baartman District Municipality's area of jurisdiction	8
Within the Eastern Cape province	5
Within South Africa	3

**NB:** In order to claim points for locality, prospective bidders are required to submit proof of address of office dealing with the project/A valid lease agreement/municipal account in name of bidder must be submitted. Failure to submit proof will result in preference points not being allocated.

Payment For Services

Payment will be issued after the service has been rendered.

All relevant information must accompany all quotations submitted. No late or incomplete quotation will be accepted for consideration.

CDA reserves the right not to accept the lowest bid or any quotation.

**Quotes are to be submitted via email to:  
formalquotes@cacadudevelopment.co.za by 29 October 2024 at 14:00.**

For further enquiries regarding the Request for Quotation, please contact the Project Manager, Mr Nceba Gomba, on (041) 508 7070 or Supply Chain Management, Mr. Siya Ngubo (041) 508 7143.

**The returnable documents are downloadable from the Cacadu Development Agency's website; [www.cacadudevelopment.co.za](http://www.cacadudevelopment.co.za) . Information on the CSD is available on the CSD website: [www.csd.gov.za](http://www.csd.gov.za).**

APPROVED:   
CHIEF EXECUTIVE OFFICER (CDA)

DATE: 17/10/2024

# CERTIFICATE FOR MUNICIPAL SERVICES

## RFQ 03/2024-2025 SUPPLY AND DELIVERY OF GARDEN EQUIPMENT, SEEDS AND SEEDLINGS IN KOUKAMMA LOCAL MUNICIPALITY

Name of Bidder:

### FURTHER DETAILS OF THE BIDDER/S: Proprietor/Director(s)/Partners, etc:

Physical Business address of the Bidder	Municipal Account Number(s)

If there is not enough space for all the names, please attach additional details to the Tender documents.

Name of Director/Member/ Partner	Identity Number	Physical residential address of Director/Member/ Partner	Municipal Account number(s)

I, \_\_\_\_\_, the undersigned, (full name in block letters) certify that the information furnished on this declaration form is correct and that I/we have no undisputed commitments for municipal services towards a municipality or municipal entity in respect of which payment is overdue for more than 30 days.

\_\_\_\_\_  
Signature

THUS, DONE AND SIGNED for and on behalf of the Bidder/Contractor

at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_

**Please note:**  
Even if the requested information is not applicable to the Bidder, the table above should be endorsed NOT APPLICABLE and THIS DECLARATION MUST STILL BE SIGNED.

## DECLARATION OF INTEREST FORM - MBD 4

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1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
- 3 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

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

3.2 Identity Number: .....

3.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>):.....

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. ....

.....

<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.

<sup>2</sup> 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 persons 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, principal 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:

.....

.....

1. 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 The applicable preference point system for this tender is the 80/20 preference point system.

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 The maximum points for this tender are allocated as follows:

	<b>POINTS</b>
<b>PRICE</b>	<b>80</b>
<b>SPECIFIC GOALS</b>	<b>20</b>
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

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.



$$Ps=80\left(1+Pt\frac{\quad}{Pmax}\right) \text{ or } Ps=90\left(1+Pt\frac{\quad}{Pmax}\right)$$

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 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)
<b>Locality</b>	<b>10</b>	
Within Koukamma Local Municipality	10	
Within Sarah Baartman District Municipality	8	
Within The Eastern Cape Province	5	
Within South Africa	3	

<b>B-BBEE</b>	<b>10</b>	
<b>Level 1</b>	10	
<b>Level 2</b>	9	
<b>Level 3</b>	8	
<b>Level 4</b>	7	
<b>Level 5</b>	6	
<b>Level 6</b>	5	
<b>Level 7</b>	4	
<b>Level 8</b>	3	
<b>Level 9</b>	2	
<b>Level 10</b>	1	
<b>Total for Specific Goals</b>	<b>20</b>	

**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 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 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 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.

..... <b>SIGNATURE(S) OF TENDERER(S)</b>	
<b>SURNAME AND NAME:</b>	.....
<b>DATE:</b>	.....
<b>ADDRESS:</b>	..... ..... .....
	.....
	.....

## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES – MBD 8

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- 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).
- 1 **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).  <b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</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>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/>
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 <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 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– MBD 9

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- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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:

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(Bid Number and Description)

in response to the invitation for the bid made by:

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(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 consortium<sup>3</sup> 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.

<sup>3</sup> 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

.....  
Date

.....  
Position

.....  
Name of Bidder