

**EKURHULENI WATER CARE COMPANY**

You are hereby invited to bid for requirements of ERWAT	
Description	<b>RFQ202311/006: CALIBRATION OF BS8100 BREATH ALCOHOL TESTERS</b>
Briefing session	N/A
Closing date	10 November 2023
Closing time	12H00
Bidder Information	
Name of Bidding Company	
Company physical address	
Company postal address	
Contact details	Company Representative (Name):
	Telephone:
	Cell phone:
	E-mail address:
National Treasury Central Supplier Database number: (Compulsory)	MAAA
CIDB Grading CRS number	
Vat registration number	
Tax Compliance status	TCS Pin:
Are you the accredited representative in South Africa for the goods/ services/ works offered? If yes, attach proof	
Total number of items offered	
Total price (including VAT)	R
	OFFER TO BE VALID FOR 30 DAYS FROM THE CLOSING DATE OF BID
SCM related enquiries:	<a href="mailto:Zanele - 011 929 7000">Zanele – 011 929 7000</a>
Delivery address	<a href="mailto:rfq@erwat.co.za">rfq@erwat.co.za</a>
Technical enquiries	Andries Ras 011929 7000

<b>Bid submission:</b>
<p>1. Bids must be sent electronically to <a href="mailto:rfq@erwat.co.za">rfq@erwat.co.za</a> by the stipulated time with the subject line indicating the RFQ number. Late bids will not be accepted for consideration.</p> <p>2. All bids must be submitted on the official forms provided– (not to be re-typed).</p> <p>3. 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).</p> <p>4. This bid is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations, 2022, The General Conditions of Contract (GCC) and, if applicable, any other Special Conditions of Contract.</p>
<b>Tax compliance requirements</b>
<p>Bidders must ensure compliance with their tax obligations.</p> <p>Bidders are required to submit their unique personal identification number (pin) issued by SARS to enable the organ of state to view the taxpayer's profile and tax status.</p> <p>Application for the tax compliance status (TCS) pin may also be made via e-filing. In order to use this provision, taxpayers will need to register with SARS as e-filers through the website <a href="http://www.sars.gov.za">www.sars.gov.za</a>.</p> <p>In bids where Consortia / Joint Ventures / Sub-Contractors are involved; each party must submit a separate TCS pin / CSD number.</p> <p>Where no TCS is available, but the bidder is registered on the Central Supplier Database (CSD), a CSD number must be provided.</p>
<b>Joint Venture</b>
<p>In the case of a joint venture, the valid original tax clearance certificate or copy/ies thereof, of each partner, must be submitted with the bid document</p> <p>In the case of a joint venture, copies of Municipal services, rates, and taxes clearance certificate for supply chain management purpose (not older than three months from date of closing, not in arrears for more than 90 days, or valid lease agreement signed by both parties) of each partner, must be submitted with the bid document.</p> <p>In the case of a Joint Venture, a joint venture agreement must be submitted with the bid indicating shareholding percentage.</p> <p>In the case of a Joint Venture – MBD 1 is to be completed and submitted in respect of each partner.</p>

NB: Failure to provide any of the above particulars may result in your bid being disqualified.

Name& Surname of Representative: \_\_\_\_\_

Signature of Bidder: \_\_\_\_\_

Capacity under Which This Bid Is Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## NOTICE TO BIDDERS

### **VERY IMPORTANT NOTICE ON DISQUALIFICATIONS:**

A bid not complying with the peremptory requirements stated hereunder will be regarded as not being an "Acceptable bid", and as such will be rejected.

"Acceptable bid" means any bid which, in all respects, complies with the conditions of bid and specifications as set out in the bid documents.

To ensure that your bid is not exposed to invalidation, documents are to be completed in accordance with the conditions and bid rules contained in the bid documents. The lowest or any bid will not necessarily be accepted, and ERWAT reserves the right not to consider any bid not or a bid not comprehensively completed as well as the right to accept a bid in whole or part. ERWAT reserves the right to appoint more than one bid for this contract.

### **A BID WILL BE REJECTED:**

- If bidders are not compliant with all applicable legislative requirements, as per CSD. National Treasury in partnership with the Provincial Treasury have developed municipalities and municipal entities with a Central Supplier Database (CSD) for the registration of prospective suppliers in line with Section 14(1) (b) of the Municipal Supply Chain Management Regulations (MSCMR). (Tax compliance will be dealt with in terms of MFMA Circular No. 90)
- Non-compliance with the Value Added Tax Act, 1991; i.e. In terms of this Act, it is mandatory for any business to register for VAT if the income earned in any consecutive twelve (12) month period exceeds or is likely to exceed R 1 million. NB: Bidder/s failing to comply with this provision of the Value Added Tax Act, 1991 WILL NOT BE CONSIDERED, therefore rejected.
- Non-compliance with the Municipal Supply Chain Management Regulations, 2005; i.e. All sections affecting the evaluation of the bid must be indicated on the bid document and must be submitted and completed in full. All bidder's information must be accurate and correct.
- In the event of there being scratching out, writing over or painting out rates or information, affecting the evaluation of the bid, without initialling next to the amended rates or information. However, in cases where the total amount (aggregated) has not been affected, the bid will still be acceptable.
- In the event of the use of correction fluid (e.g., tippex), any erasable ink, or any erasable writing instrument (e.g., pencil). (Only black pen to be used).
- If the Bid has not been properly signed by a person having the authority to do so.
- Any misrepresentation constitutes a criminal offence as set out in the B-BBEE Act (as amended) and could lead to prosecution and misrepresentation on the specific goals will result in the bidder being reported to National Treasury's list of tender defaulters.
- Where the recommended bidder is not tax compliant, the bidder should be notified of their non-compliant status and the bidder will be requested to submit to the municipality, within 7 working days. The bidder will be rejected if they fail to provide proof of tax compliance status within the 7 working days after recommendation (at the discretion of ERWAT).
- If the bidder attempts to influence or has in fact influenced the evaluation and/or awarding of the contract.
- If any municipal rates and taxes or municipal service charges owed by the bidder or any of its directors/members to the municipality or municipal entity, or to any other municipality or municipal

entity, are in arrears for more than three months (unless if the bidder has attached proof of the payment arrangement of the arrears to the bid document as at the closing date of the submission of bids).

- If any bidder who during the last five years has failed to perform satisfactorily on a previous contract with the municipality, municipal entity or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.
- The accounting officer must ensure that irrespective of the procurement process followed, no award may be given to a person –
  - who is in the service of the state, or;
  - if that person is not a natural person, of which any director, manager, shareholder or stakeholder, is a person in the service of the state; or; who is an advisor or consultant contracted with the municipality in respect of contract that would cause a conflict of interest.
- If the bidder is not registered in the required CIDB contractor grading designation (category) or higher, if required in this bid documentation.
- If the bidder or any of its directors is listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector.
- If more than one (1) company quotes and the Director/s are the same Person/s and the companies fail to disclose this in the MBD4; the bids will be rejected as a result of Anti-Competitive Behaviour.
- If the bidder has failed to submit ALL required documents as specified on the bid document.
- If the following have not been fully completed and signed:
  - MBD 1 - General Declaration
  - MBD 3.1 – Pricing schedule (firm prices) (where applicable)
  - MBD 4 - Declaration of Interest
  - MBD 8 - Declaration of Bidder's Past SCM Practices
  - MBD 9 - Certificate of Independent Bid Determination
- If any pages have been removed from the bid document, and have therefore not been submitted, or a copy of the original bid document has been submitted (all signatures to be original on each page).
- If the bidder fails to achieve the minimum score in terms of the functionality evaluation

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## TERMS OF REFERENCE

RFQ202311/006: CALIBRATION OF BS8100 BREATH ALCOHOL TESTERS.

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### 1. SCOPE OF WORK:

- Collection of eight (8) BS 8100 Breath Alcohol testers from ERWAT Head Office.
- Calibration of eight (8) BS8100 breath alcohol testers.
- Delivery of eight (8) BS8100 Breath alcohol testers to ERWAT Head Office.
- Submitting calibration report for all eight units.

### • MANDATORY REQUIREMENTS

- Proof of company Central Supplier Database Registration.
- Municipal account statement not older than 3 months and not owing for 90+days or a valid lease agreement signed by lessee and lessor.
- Tax compliance status (tax pin certificate or CSD tax status compliance)
- Supporting documents for functionality evaluation (where applicable)
- Fully completed MBD forms
- FAILURE TO ADHERE TO THESE CONDITIONS WILL LEAD TO THE BID BEING INVALIDATED.

### 2. VALUE ADDED TAX

All bid prices must be inclusive of 15% Value-Added Tax where applicable.

### 3. COMMUNICATION

ERWAT may communicate with bidders for, among others, where bid clarity is sought, to obtain information or to extend the validity period.

### 4. LATE BIDS

Bids received electronically after the closing date and time will not be accepted for consideration and where applicable.

### 5. FRONTING

ERWAT supports the spirit of broad based black economic empowerment and recognizes that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background ERWAT condemns any form of fronting.

ERWAT, in ensuring that bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct or initiate the necessary enquiries/investigations to determine the accuracy of the representation made in bid documents. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting issued by the Department of Trade and Industry, established during such enquiry/investigation, the onus will be on the bidder contractor to prove that fronting

does not exist. Failure to do so within a period of 14 days from date of notification may invalidate the bid/contract and may also result in the restriction of the bidder/contractor to conduct business with the public sector for a period not exceeding ten years, in addition to any other remedies the National Treasury may have against the bidder/contractor concerned.

## MBD 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 NO: **RFQ202311/xxx**

OFFER TO BE VALID FOR 30 DAYS FROM THE CLOSING DATE OF BID.

**KM to ERWAT sites must be confirmed by the bidder and ERWAT will only pay for the SARS or AA rate whichever is viable for ERWAT.**

Item No.	DESCRIPTION	QUANTITY	Unit price (R)	Total price (R )
1	Calibration of BS8100 Breath Alcohol Testers	8		
2	Collection of BS8100 breath alcohol testers	1		
3	Delivery of BS8100 breath alcohol testers	1		
4	Issuing of calibration report for all units separately	8		
			<b>Sub total</b>	
			<b>VAT %</b>	
			<b>Total</b>	

- Does the offer comply with the specification(s)? \*YES/NO

- If not to specification, indicate deviation(s): \_\_\_\_\_

- Period required for delivery: \_\_\_\_\_

\*Delivery: Firm/Not firm

- 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.

## DECLARATION OF INTEREST

No bid will be accepted from persons in the service of the state.

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.

A Person who is an advisor or consultant contracted with the municipality.

In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

4.1 Full Name of bidder or his or her representative: \_\_\_\_\_

4.2 Identity Number: \_\_\_\_\_

4.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): \_\_\_\_\_

4.4 Company Registration Number: \_\_\_\_\_

4.5 Tax Reference Number: \_\_\_\_\_

4.6 VAT Registration Number: \_\_\_\_\_

4.7 The names of all directors / trustees / shareholder's members, their individual identity numbers and state employee numbers must be indicated in paragraph 5 below.

4.8 Are you presently in the service of the state? YES / NO  
If so, furnish particulars.

\_\_\_\_\_  
\_\_\_\_\_

4.9 Have you been in the service of the state for the past twelve months? YES / NO  
If so, furnish particulars.

\_\_\_\_\_  
\_\_\_\_\_

4.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? YES / NO  
If so, furnish particulars.

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_

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

If so, furnish particulars.

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

If so, furnish particulars.

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4.14 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

If so, furnish particulars.

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

Full Name	Identity Number	State Employee Number

#### CERTIFICATION

I, the undersigned (name) \_\_\_\_\_ certify that the information furnished on this declaration form is correct. I accept that the state may act against me should this declaration prove to be false.

Name & Surname of Representative: \_\_\_\_\_

Signature of Bidder: \_\_\_\_\_

Designation: \_\_\_\_\_

Date: \_\_\_\_\_



## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

This Municipal Bidding Document must form part of all bids invited.

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.

The bid of any bidder may be rejected if that bidder, or any of its directors have:

- abused the company's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
- been convicted for fraud or corruption during the past five years;
- willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
- 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).

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 ( <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.	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)?  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.	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:		
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the company / 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"/>
4.5.1	If so, furnish particulars:		

#### CERTIFICATION

I, the undersigned (full name \_\_\_\_\_) certify that the information furnished on this declaration form is true and correct. I accept that, in addition to cancellation of a contract, action may be taken against me should this declaration prove to be false.

Name& Surname of Representative: \_\_\_\_\_

Signature of Bidder: \_\_\_\_\_

Designation: \_\_\_\_\_

Date: \_\_\_\_\_

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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.

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.

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.

In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

RFQ202311/006: CALIBRATION OF BS8100 BREATH ALCOHOL TESTERS

in response to the invitation for the bid made by: EKURHULENI WATER CARE COMPANY (ERWAT) do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of \_\_\_\_\_ (Name of Bidder) that:

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.

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.

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.

Name& Surname of Representative: \_\_\_\_\_

Signature Of Bidder: \_\_\_\_\_

Designation: \_\_\_\_\_

Date: \_\_\_\_\_

**PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013**

By signing this referral form:

- a) I/we hereby grant my/our voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013.
- b) I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the ERWAT (responsible party) must use my/our information in the performance of its public legal duty.
- c) I/we understand that my/our personal information may be disclosed to a third party in as far as the ERWAT must fulfil its public legal duty.
- d) I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available. Further details are available on the ERWAT website.

Company name: \_\_\_\_\_

Company address: \_\_\_\_\_  
 \_\_\_\_\_

Name & Surname of Representative: \_\_\_\_\_

Signature of Bidder: \_\_\_\_\_

Designation: \_\_\_\_\_

Date: \_\_\_\_\_