



**QUOTATION NO.: SC 2058/2019**

**ONLINE SUBSCRIPTION FOR ACCESS TO LEGAL INFORMATION FOR A 12 MONTH PERIOD**

**PROCUREMENT DOCUMENT**

<b>NAME OF BIDDER:</b>	
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**PREPARED AND ISSUED BY:**

Directorate: Finance:  
Supply Chain Management Unit  
Overstrand Municipality  
PO Box 20 / 1 Magnolia Avenue  
Hermanus  
7200

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**1. MBD 1 – INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE OVERSTRAND MUNICIPALITY							
FQ Number	SC2058/2019	Closing Date	2019/12/13	Closing Time	12H00	CIDB Grading Required:	N/A
Compulsory Information Session Details		Date	N/A	Time	N/A	Address	N/A
BID Response Documents May Be Deposited In Bid Box Number	2	@ Overstrand Municipality, 1 Magnolia Avenue, Hermanus			Validity period from closing date		At least 60 days
Bid response documents may also be scanned and e-mailed to:		<a href="mailto:scmquotations@overstrand.gov.za">scmquotations@overstrand.gov.za</a> If the e-mail is larger than 2MB, it must be emailed to <a href="mailto:scmquotations@overstrand.gov.za">scmquotations@overstrand.gov.za</a> by making use of the large file upload link: <a href="http://196.15.210.117/lift/">http://196.15.210.117/lift/</a>					
The successful bidder will be required to sign a written contract form (MBD7).							
<b>NAME OF BIDDER</b>							
LEGAL NAME OF ORGANISATION							
TRADE NAME (if different from legal name)							
POSTAL ADDRESS							
STREET ADDRESS							
NAME OF CONTACT PERSON							
TELEPHONE NUMBER				CELL NUMBER			
E-MAIL ADDRESS							
COMPANY REGISTRATION NUMBER							
OVERSTRAND MUNICIPALITY SUPPLIER DATABASE REGISTRATION NUMBER							
TAX CLEARANCE CERTIFICATE NUMBER AND / OR PIN							
TAX CLEARANCE EXPIRY DATE							
INCOME TAX NUMBER							
VAT REGISTRATION NUMBER							
<b>ONE OF THE FOLLOWING <u>MUST</u> BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS IN TERMS OF B-BBEE:</b>							
<u>ORIGINAL</u> B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE ISSUED BY A <u>SANAS</u> ACCREDITED AGENCY; OR							
<u>A CERTIFIED COPY</u> OF A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE ISSUED BY A <u>SANAS</u> ACCREDITED AGENCY							
<u>ORIGINAL</u> EME OR QSE SWORN AFFIDAVIT OR A CERTIFIED COPY THEREOF							
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? If YES, enclose proof						Yes	No
ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? If YES, answer part B.3						Yes	No
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO THE SUPPLY CHAIN MANAGEMENT UNIT</b>							
CONTACT PERSON	Accountant: SCM, L du Preez			TELEPHONE NUMBER	028 313 8147		
CONTACT PERSON	Accountant: SCM, J Aplon			TELEPHONE NUMBER	028 313 5021		
<b>TECHNICAL INFORMATION REGARDING THIS QUOTATION MAY BE OBTAINED FROM:</b>							
CONTACT PERSON	Senior Business Analyst: J van Asperen			TELEPHONE NUMBER	028 313 8959		



**2. MBD 1 – PART B – TERMS AND CONDITIONS FOR BIDDING**

<b>1. BID SUBMISSION:</b>				
1.1. Bids must be delivered by the stipulated time to the correct address. Late bids will not be accepted for consideration.				
1.2. <b>All bids must be submitted on the official forms provided–(not to be re-typed)</b>				
1.3. This bid is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations, 2017, the National Treasury General Conditions of Contract (GCC) (2010) and, if applicable, any other special conditions of contract.				
<b>2. TAX COMPLIANCE REQUIREMENTS</b>				
2.1 Bidders must ensure compliance with their tax obligations.				
2.2 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.				
2.3 Application for the tax compliance status (TCS) certificate or 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>				
2.4 Foreign suppliers must complete the pre-award questionnaire in part B.3.				
2.5 Bidders may also submit a printed TCS certificate together with the bid.				
2.6 In bids where consortia / joint ventures / sub-contractors are involved, each party must submit a separate TCS certificate / pin / CSD number.				
2.7 Where no TCS is available but the bidder is registered on the central supplier database (CSD), a CSD number must be provided.				
<b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>				
3.1. Is the entity a resident of the republic of South Africa (RSA)?	Yes		No	
3.2. Does the entity have a branch in the RSA?	Yes		No	
3.3. Does the entity have a permanent establishment in the RSA?	Yes		No	
3.4. Does the entity have any source of income in the RSA?	Yes		No	
3.5. Is the entity liable in the RSA for any form of taxation?	Yes		No	
<b>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</b>				
<b>4. SUPPLIER DATABASE OF THE OVERSTRAND MUNICIPALITY</b>				
4.1. Are you registered as a supplier/services provider on the Supplier Database of the Overstrand Municipality?	Yes		No	
4.2. If so, please provide you Supplier Database Registration number with the Overstrand Municipality				
4.3. If not, please note that you will be required to be registered on the Supplier Database of the Overstrand Municipality before any award can be made to you. Please find a copy of the Supplier Database Registration forms at: <a href="https://www.overstrand.gov.za/en/documents/supply-chain-management/registration-on-the-accredited-supplier-database">https://www.overstrand.gov.za/en/documents/supply-chain-management/registration-on-the-accredited-supplier-database</a>				

<b>CAPACITY UNDER WHICH THIS BID IS SIGNED</b>	
NAME OF PERSON DULY AUTHORISED TO SIGN THIS OFFER	
SIGNATURE	
DATE	

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.  
NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**



**3. MBD 4 – DECLARATION OF INTEREST**

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 and/or take an oath declaring his/her interest.
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, shareholder <sup>2</sup> etc.)				
3.4.	Company registration number				
3.5.	Tax reference number				
3.6.	VAT registration number				
3.7.	Are you presently in the service of the state?	YES	NO		
3.7.1.	If so, furnish particulars:				
3.8.	Have you been in the service of the state for the past twelve months?	YES	NO		
3.8.1.	If so, furnish particulars:				
3.9.	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		
3.9.1.	If so, furnish particulars:				
3.10.	Are you aware of any relationship (family, friend, other) between a 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		
3.10.1.	If so, furnish particulars:				
3.11.	Are any of the company's directors, managers, principal shareholders or stakeholders in the service of the state?	YES	NO		
3.11.1.	If so, 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.



3.12.	Is any spouse, child or parent of the company's directors, managers, principal shareholders or stakeholders in the service of the state?	YES		NO	
3.12.1.	If so, furnish particulars:				
3.13.	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	
3.13.1.	If so, furnish particulars:				
3.14.	Please provide the following information on ALL directors / shareholders / trustees /members below:				
	full name and surname	identity number	personal income tax number	Provide State <sup>3</sup> employee number (Only to be completed if in the service of the State)	

**NB:**

- PLEASE ATTACH CERTIFIED COPY(IES) OF ID DOCUMENT(S)
- PLEASE PROVIDE PERSONAL INCOME TAX NUMBERS FOR ALL DIRECTORS / SHAREHOLDERS / TRUSTEES / MEMBERS, ETC.

**4. DECLARATION**

I, the undersigned (name) \_\_\_\_\_, certify that the information furnished in paragraph 3 above is correct.

I accept that the state may act against me should this declaration prove to be false.

SIGNATURE		DATE	
NAME OF SIGNATORY			
POSITION			
NAME OF COMPANY			

<sup>3</sup> MSCM Regulations: "in the service of the state" means to be –

1. a member of –
  - 1.1.1. any municipal council;
  - 1.1.2. any provincial legislature; or
  - 1.1.3. the National Assembly or the National Council of Provinces;
2. a member of the board of directors of any municipal entity;
3. an official of any municipality or municipal entity;
4. 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);
5. a member of the accounting authority of any national or provincial public entity; or
6. an employee of Parliament or a provincial legislature.
- 7.



**4. MBD 6.1 – PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS**

**NB:**  
**Before completing this form, bidders must study the general conditions, definitions and directives applicable in respect of B-BBEE, as prescribed in the Preferential Procurement Regulations, 2017.**

**1. GENERAL CONDITIONS**

- 1.1. The following preference point systems are applicable to all bids:
  - 1.1.1. the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
  - 1.1.2. the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2. The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.
- 1.3. Preference points for this bid shall be awarded for:
  - 1.3.1. Price; and
  - 1.3.2. B-BBEE Status Level of Contribution.
- 1.4. The maximum points for this bid are allocated as follows:

	<b>POINTS</b>
<b>PRICE</b>	80
<b>B-BBEE STATUS LEVEL OF CONTRIBUTION</b>	20
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

- 1.5. Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

**2. DEFINITIONS**

- 2.1. **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.2. **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.3. **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.4. **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003) as amended by Act No 46 of 2013;
- 2.5. **“EME”** means an Exempted Micro Enterprise as defined by Codes of Good Practice issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6. **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents;
- 2.7. **“prices”** includes all applicable taxes less all unconditional discounts;
- 2.8. **“proof of B-BBEE status level of contributor ”** means:
  - 2.8.1. Original B-BBEE Status level certificate issued by an authorized body or person or a certified copy thereof;
  - 2.8.2. An original sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 2.8.3. Any other requirement prescribed in terms of the B-BBEE Act;
- 2.9. **“QSE”** means a Qualifying Small Enterprise as defined by Codes of Good Practice issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act,
- 2.10. **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.11. **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing.



**3. POINTS AWARDED FOR PRICE**

**3.1. THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

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

**Where:-**

- P<sub>s</sub>* = Points scored for comparative price of bid under consideration
- P<sub>t</sub>* = Comparative price of bid under consideration
- P<sub>min</sub>* = Comparative price of lowest acceptable bid.

**4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION**

4.1. In terms of Regulation 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

**5. BID DECLARATION**

5.1. Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

5.1.1. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1	
5.1.2.	B-BBEE Status Level of Contributor
5.1.3	Points claimed in respect of Level of Contribution (maximum of 10 or 20 points)

5.2. (Points claimed in respect of paragraph 6 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or an original sworn affidavit or an originally certified copy thereof.)

**6. SUB-CONTRACTING**

6.1.	<b>Will any portion of the contract be sub-contracted? (Tick applicable box)</b>	Yes		No	
	If yes, indicate:				
i.	what percentage of the contract will be subcontracted	%			
ii.	the name of the sub-contractor				
iii.	the B-BBEE status level of the sub-contractor				
iv.	whether the sub-contractor is an EME or QSE (Tick applicable box)	Yes		No	
v.	<b>Specify, by ticking the appropriate box, if sub-contracting with an enterprise in terms of Preferential Procurement Regulations, 2017:</b>				
	<b>Designated Group: An EME or QSE which is at least 51% owned by:</b>	<b>EME</b>	<b>QSE</b>		
a.	Black people	√	√		
b.	Black people who are youth				
c.	Black people who are women				
d.	Black people with disabilities				
e.	Black people living in rural or underdeveloped areas or townships				





f.	Cooperative owned by black people		
g.	Black people who are military veterans		
	<b>OR</b>		
h.	Any EME		
i.	Any QSE		

**7. DECLARATION WITH REGARD TO COMPANY/FIRM**

7.1.	Name of company/firm		
7.2.	VAT registration number		
7.3.	Company registration number		
7.4.	TYPE OF COMPANY/FIRM (Tick applicable box)	Partnership / Joint Venture / Consortium	
		One person business / sole proprietor	
		Close Corporation (CC)	
		Company ((Pty) Ltd. / Ltd.)	
		Company (Ltd.)	
7.5.	Describe principal business activities		
7.6.	Company Classification (Tick applicable box)	Manufacturer	
		Supplier	
		Professional service provider	
		Other service providers, e.g. transporter, etc.	
7.7.	<b>Municipal information</b>		
i.	Municipality where business is situated		
ii.	Registered municipal account number		
iii.	Stand number		
7.8.	Total number of years the company/firm has been in business		

7.9. I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBEE status level of contributor indicated in paragraphs 1.4 and 5.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- 7.9.1. The information furnished is true and correct;
- 7.9.2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- 7.9.3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 5.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- 7.9.4. If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - a) disqualify the person from the bidding 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 bidder 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.

SIGNATURE OF BIDDER(S):			
PRINT NAME			
CAPACITY		DATE	

**5. SWORN AFFIDAVIT – B-BBEE EXEMPTED MICRO ENTERPRISE**
**INCOME NOT EXCEEDING R10,000,000 (TEN MILLION RAND)**

I, the undersigned,					
<b>Full name</b>					
<b>Surname</b>					
<b>Identity number</b>					
Hereby declare under oath as follows:					
<b>1.</b>	The contents of this statement are to the best of my knowledge a true reflection of the facts.				
<b>2.</b>	I am a (please indicate with an "X")				
	Member		Director		Owner
	of the following enterprise and am duly authorised to act on its behalf.				
	<b>Enterprise Legal Name</b>				
	<b>Trading Name</b>				
	<b>Registration Number</b>				
	<b>Enterprise Address</b>				
	<b>Definition of "Black People"</b>	As per the Broad-Based Black Economic Empowerment Act 53 of 2003 as Amended by Act No 46 of 2013 "Black People" is a generic term which means Africans, Coloureds and Indians – (a) Who are citizens of the Republic of South Africa by birth or descent; or (b) Who became citizens of the Republic of South Africa by naturalization- i. Before 27 April 1994; or ii. On or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date			
<b>3.</b>	I hereby declare under oath that:				
	The enterprise is		% black owned		% black woman owned
<b>4.</b>	Based on the (please indicate with an "X")		financial statements		management accounts
	and other information available on the				financial year ,
	the income did not exceed R10,000,000.00 (ten million Rand);				
<b>5.</b>	Please confirm on the table below the B-BBEE level contributor, <b>by ticking the applicable box.</b>				
	<b>Level One</b>	100% black owned (135% B-BBEE procurement recognition)			
	<b>Level Two</b>	More than 51% black owned (125% B-BBEE procurement recognition)			
	<b>Level Four</b>	Less than 51% black owned (100% B-BBEE procurement recognition)			
<b>6.</b>	The entity is an empowering supplier in terms of <b>the dti</b> Codes of Good Practice.				
<b>7.</b>	I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the owners of the enterprise which I represent in this matter.				
<b>8.</b>	The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.				
<b>Deponent signature:</b>				Commissioner of Oaths stamp	
<b>Date:</b>					
<b>Commissioner of Oaths signature</b>					
<b>Date</b>					



**6. MBD 8 – 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.

4.1	Is the bidder or any of its directors listed on the National Treasury’s database as a company or person prohibited from doing business with the public sector? <i>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the audi alteram partem rule was applied).</i>	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)? <i>(To access this Register enter the National Treasury’s website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon “Register for Tender Defaulters” or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).</i>	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:		
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
4.5.1	If so, furnish particulars:		

**5. 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:		NAME (PRINT):	
CAPACITY:		DATE:	
NAME OF FIRM:			



**7. MBD 9 – CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- |   |  |
|---|--|
| <p>1. This Municipal Bidding Document (MBD) must form part of all bids<sup>4</sup> invited.</p> <p>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>5</sup> Collusive bidding is a <i>per se</i> prohibition meaning that it cannot be justified under any grounds.</p> <p>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:</p> <p>3.1. take all reasonable steps to prevent such abuse;</p> | <p>3.2. 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</p> <p>3.3. 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.</p> <p>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.</p> <p>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:</p> |
|---|--|

**CERTIFICATE OF INDEPENDENT BID DETERMINATION:**

In response to the invitation for the bid made by:

**OVERSTRAND MUNICIPALITY**

I, the undersigned, in submitting the accompanying bid, hereby make the following statements that I certify to be true and complete in every respect:

- |  |  |
|--|--|
| <p>1. I have read and I understand the contents of this Certificate;</p> <p>2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;</p> <p>3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;</p> <p>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;</p> <p>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:</p> <p style="margin-left: 20px;">a. has been requested to submit a bid in response to this bid invitation;</p> <p style="margin-left: 20px;">b. could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and</p> <p style="margin-left: 20px;">c. provides the same goods and services as the bidder and/or is in the same line of business as the bidder</p> <p>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>6</sup> will not be construed as collusive bidding.</p> <p>7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:</p> | <p style="margin-left: 20px;">a. prices;</p> <p style="margin-left: 20px;">b. geographical area where product or service will be rendered (market allocation)</p> <p style="margin-left: 20px;">c. methods, factors or formulas used to calculate prices;</p> <p style="margin-left: 20px;">d. the intention or decision to submit or not to submit, a bid;</p> <p style="margin-left: 20px;">e. the submission of a bid which does not meet the specifications and conditions of the bid; or</p> <p style="margin-left: 20px;">f. bidding with the intention not to win the bid.</p> <p>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.</p> <p>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.</p> <p>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.</p> |
|--|--|

SIGNATURE		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			

<sup>4</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>5</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.

<sup>6</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.



**8. SECTION 37(2) OF THE OCCUPATIONAL HEALTH AND SAFETY ACT, NO 85 OF 1993**

**INTRODUCTION**

In terms of section 16(1) of the Occupational Health and Safety Act, 1993 (Act 85 of 1993) the Chief Executive Officer is responsible as far as is reasonably practicable to ensure that the duties of his employer as contemplated in the Act are properly discharged. This responsibility is also, in terms of section 37(2) of the Act, extended to include a mandatory that performs work on behalf of the employer on his/her premises.

A "mandatory" is defined in the said Act as: - "Including an agent, contractor or subcontractor for work, but without derogating from his status in his own right as an employer or user"

In terms of Section 37(2), read with section 41, of the said Act, it is legally possible for an employer to indemnify himself from this responsibility or liability regarding the actions of the mandatory. Section 37(2) stipulates that

there should be a written agreement in place between the employer and the mandatory regarding the arrangements and procedures between them to ensure compliance by the mandatory with the provisions of the Occupational Health and Safety Act, 1993.

By ensuring that there is a written agreement in place, the management of Overstrand Municipality is acting in a responsible manner, so as to ensure that this requirement is indeed being met.

In order to ensure that this written agreement is honoured at all times, regular inspections of work that is in the process of being executed will be conducted and if found not to be in compliance with the said agreement, a notice of non-compliance will be issued. All work will be stopped, reasons for non-compliance must be given including the corrective action that will be taken to rectify the situation must be stipulated.

<b>COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, 1993 (ACT 130 OF 1993)</b>	
Overstrand Municipality has legal duty in terms of Section 89 of the said Act to ensure that all contractors with whom agreements are entered into for the execution of work are registered as employers in accordance with the provisions of this Act and that all the necessary assessments have been paid by the contractor.	
In order to enter into this agreement, the following information is needed regarding the above-mentioned:	
Contractor's registration number with the office of the Compensation Commissioner:	
<b>NOTE: A copy of the latest receipt together with a copy of the relevant assessment OR a copy of a valid Letter of Good Standing to be handed in, in this regard.</b>	

**WRITTEN AGREEMENT**

This is a written agreement between

**OVERSTRAND MUNICIPALITY**

And

\_\_\_\_\_  
(Name of the MANDATARY)

in terms Section 37(2) of the Occupational Health and Safety Act, 1993 (Act 85 of 1993) as amended.

I, \_\_\_\_\_,  
representing the MANDATARY do hereby acknowledge that \_\_\_\_\_

(mandatory) is an employer in its own right with duties as prescribed in the Occupational Health and Safety Act, 1993 (Act 85 of 1993) as amended and agree to ensure that all work that will be performed, any article or substance that will be produced, processed, used, handled, stored or transported and plant and machinery that will be used, will be done in accordance with the provisions of the said Act.

I furthermore agree to comply with the Health and Safety requirements and to liaise with the Municipality should I, for whatever reason, be unable to perform in terms of this Agreement.

<b>SIGNED ON BEHALF OF MANDATORY</b>			
DATE:		PLACE:	
PRINT NAME:			
CAPACITY:			
SIGNATURE:			

<b>SIGNED ON BEHALF OF THE MUNICIPALITY</b>			
DATE:		PLACE:	
PRINT NAME:			
CAPACITY:			
SIGNATURE:			



**9. INDEMNITY**

Given by (name of company) \_\_\_\_\_

of (registered address of company) \_\_\_\_\_

a company with limited liability registration number \_\_\_\_\_

registered in terms of Laws of the Republic of South Africa (hereinafter the contractor), represented by (name of representative) \_\_\_\_\_

in his capacity as (designation) \_\_\_\_\_

of the contractor, and duly authorised by a resolution dated \_\_\_\_\_/20\_\_\_\_\_.

**WHEREAS** the contractor entered into a contract with the municipality dated \_\_\_\_\_/20\_\_\_\_\_.

**AND WHEREAS** the Municipality requires an indemnity from the contractor.

**NOW THEREFORE** the contractor hereby indemnifies and holds harmless the Municipality in respect of all loss and/or damage that may be incurred or sustained by the contractor by reason of or in any way arising out of or caused by operations that may be carried out by the contractor in connection with the aforementioned contract; and also in respect of all claims that may be instituted against the Municipality in consequence of such operations, by reason of or in any way arising out of any accidents or damage to life or property or any other cause whatsoever including all legal fees and costs that may be incurred by the Municipality in examining, resisting or settling any such claims.

SIGNATURE OF CONTRACTOR:	
DATE:	

SIGNATURE OF WITNESS 1:	
DATE:	
SIGNATURE OF WITNESS 2:	
DATE:	



**10. RESPONSIVENESS AND EVALUATION CRITERIA**

**1. GENERAL**

- 1.1 All bids must be submitted in **handwriting and in non-erasable (black or blue) ink** on the official forms supplied by the municipality.
- 1.1.1 Under no circumstances, whatsoever may the bid forms be retyped or redrafted.
- 1.2 Subject to the provisions of clause 1.3 of this document, no alterations / corrections to the information in the document (including pricing) may be performed by erasing or using masking fluid / tape (Tipp-Ex or similar) on any submitted page or by pasting another page over it with glue.
- 1.3 Notwithstanding the provisions of clause 1.2 of this document, alterations and/or corrections may only be effected as follows:
  - 1.3.1 By striking a straight line in black ink through the incorrect information in such a manner that the information that has been struck through remains legible; writing, the altered or corrected information as appropriate (under, above or next to the information to be corrected), and initialling in the margin next to each and every alteration or correction.
- 1.4 Bids submitted must be complete in all respects.
  - 1.4.1 The bidder is advised to check the number of pages and to satisfy himself that none are missing or duplicated.
- 1.5 All bid prices will be final and binding.
- 1.6 A bid will not be invalidated if the amount in words and the amount in figures do not correspond, in which case the amount in words shall be read out at the bid opening and shall be deemed to be the bid amount; therefore, where there is a discrepancy between the amount in figures and the amount in words, the amount in words shall apply
- 1.7 Sealed bids, with the **“Bid Number and Title”** clearly endorsed on the envelope, must be deposited in the relevant **bid box** as indicated in the notice of the bid, **on or before the closing date and time** of the bid.
  - 1.7.1 Any bid received without the **“Bid Number and / or Title”** clearly endorsed on the envelope will not be opened and read out during the bid opening session and will not be considered
- 1.8 The bid boxes are at the entrance of the Main Cash Hall, Hermanus Municipal Offices, 2 Magnolia Avenue, Hermanus.
- 1.9 A specific bid box is provided for each bid to be deposited into and no bid will be considered which, subsequent to the closing date and time for that specific bid, is found in another box.
- 1.10 The bid box deposit slot is 28cm x 2.5cm.
- 1.11 Mailed, telegraphic or faxed bids **will not be accepted**.
- 1.12 Any bid received after the appointed time for the closing of bids **shall not be considered** but shall be filed unopened with the other bids received, which bid(s) can be returned to the bidder at his request and cost.

**2. EVALUATION AND ADJUDICATION CRITERIA:**

- 2.1 Relevant specifications;
- 2.2 Value for money;
- 2.3 Capacity and capability of bidders to execute the contract; and
- 2.4 PPPFA & associated regulations.

**3. REQUIREMENTS OF A VALID BID:**

- 3.1 The following duly completed documents and / or information must be submitted with the submission of the bid. Failure to comply with this requirement will invalidate the bid. The bid will not be considered and no further correspondence will be entered into with regard to the following matters:
  - 3.1.1 The tender has not been completed in non-erasable handwritten ink,
  - 3.1.2 Non-submission of a valid Tax Clearance Certificate and / or PIN,
  - 3.1.3 Incomplete Pricing Schedule or Bill of Quantities,
  - 3.1.4 A Form of Offer not signed in non-erasable ink,
  - 3.1.5 Bid submissions with material alterations / corrections not in compliance with Clause 1.2 and 1.3 above will be rejected.
- 3.2 The Municipality may, after the closing date, request additional information or clarification of tenders in writing, which will include the following:
  - 3.2.1 To complete the MBD 15 and to obtain copies of the most recent municipal account(s) from the recommended bidder(s)/owner(s)/director(s)/member(s)/shareholder(s);
  - 3.2.2 To clarify or verify pricing where the prices are unclear or an obvious mistake has been detected, e.g. a total price was given instead of a unit price or vice versa;
  - 3.2.3 To obtain the personal income tax number(s) from the recommended bidder;
  - 3.2.4 To obtain a valid Tax Clearance Certificate and / or PIN if the certificate has expired or become inactive after the closing date of the tender;
  - 3.2.5 To obtain a valid letter of good standing from the Workmen’s Compensation Commissioner, the latest assessment and proof of payment thereof;
  - 3.2.6 To obtain a valid and original B-BBEE certificate or sworn affidavit to verify preference points claimed by a bidder where the bidder submitted only a copy of the B-BBEE certificate or sworn affidavit with the bid submission.
  - 3.2.6.1 If a bidder fails to submit a B-BBEE certificate or a sworn affidavit with the bid submission, the Municipality will not request or allow the bidder to submit it afterwards.

**4. TEST FOR RESPONSIVENESS:**

- 4.1 A Bid will be considered non-responsive if:
  - 4.1.1 the bid is not in compliance with the specifications;
  - 4.1.2 the bidder has not fully completed and signed where required, all the returnable documents as listed in the bid document; and/or
  - 4.1.3 the bidder has failed to clarify or submit any supporting documentation within 3 business days of being requested to do so in writing.
- 4.2 The Municipality reserves the right to accept or reject:
  - 4.2.1 any variation, deviation, bid offer, or alternative bid offer; may cancel the bidding process and reject all bid offers at any time before the formation of a contract. The MUNICIPALITY shall not accept or incur any liability to a bidder for such cancellation

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and/or rejection, and will only provide written reasons for such action upon receipt of a written request to do so:

- 4.2.2 a bid offer which does not, in the Municipality's opinion, materially and/or substantially deviate from the terms, conditions and specifications of the bid document.
- 4.2.3 the whole bid or part of a bid or any item or part of any item, or to accept more than one bid (in the event of a number of items being offered), and the Municipality is not obliged to accept the lowest or any bid.
- 4.3 The Municipality has the right to summarily disqualify any bidder who, either at the date of submission of a bid or at the date of its award, is indebted to the Municipality in respect of any municipal rates and taxes or municipal service charges for more than three months. However, an agreement signed by the bidder whereby the bidder agrees that a percentage or fixed amount at the discretion of the municipality, be deducted from payments due to him/her for this bid, until the debt is paid in full, will also be accepted by the Municipality.

**5. INCORRECT INFORMATION**

- 5.1 Where a contract has been awarded on the strength of the information furnished by the bidder which after the conclusion of the relevant agreement, is proven to have been incorrect, the municipality may, in addition to any other legal remedy it has or may have, recover from the contractor all costs, losses or damages incurred or sustained by the municipality as a result of the award of the contract.

**6. WITHDRAWAL OF BID DURING AND AFTER THE SCM PROCESS:**

- 6.1 When a bidder withdraws his/her bid during the SCM bidding process, it must be in writing, prior to the award of the bid, of which Overstrand holds the right to accept or reject with or without a claim for any damages.
- 6.2 When a bidder withdraws or cancels the contract after award of the bid to the particular winner of the bid, the awarded bidder will be held responsible for any damages or administrative expenses incurred prior to the award of the bid.

**7. PRECEDENCE OF TERMS AND CONDITIONS**

- 7.1 Precedence of terms and conditions in documentation during the bidding process and after award, resulting in an formal agreement:
  - 7.1.1 The following legislative and legal precedence will apply to documentation during the bidding process subsequent to the award of a bid to a bidder:
    - (a) Municipal Financial Management Act 56 of 2003
    - (b) Municipal Supply Chain Management Regulations
    - (c) Supply Chain Management policy
    - (d) Specifications of the bid document
    - (e) Special Conditions of Contract – if any
    - (f) General Conditions of Contract
    - (g) Service Level Agreements/ Service Delivery Agreements – if any
    - (h) Memorandum of Understanding/ Memorandum of Agreements – if any
  - 7.2 The documents mentioned in paragraphs (b), (c) and (f) can be found on the following website: <https://www.overstrand.gov.za/en/documents/supply-chain-management/contract-documents>

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## 11. SPECIFICATIONS

### 1. INTRODUCTION / BACKGROUND

- 1.1. The Overstrand Municipality requires access to online (web) legal information for purposes of legal research for a 12 month period from date of signing of contract.
- 1.2. The Overstrand Municipality uses legal information in research to assist with compliance to legislation. It is important that the information is easy to access and always up to date.

### 2. SCOPE

- 2.1 Online (web) access with live updates is required for 30 users for access to the list of requirements as provided in 5.1. (Technical Requirements).

### 3. GENERAL

#### 3.1. Contract period

12 month period from date of signing of contract.

#### 3.2. Validity period of quotation

The quotation must be valid for a period of at least 60 days after closing date.

3.3. The municipality will not allow the bidder to sub-contract any of the services.

#### 3.4. Submission of quotation

3.4.1. The duly completed document may be deposited into the box indicated on page 3 of this document. Alternatively, a scanned copy of the duly completed document may be e-mailed to [scmquotations@overstrand.gov.za](mailto:scmquotations@overstrand.gov.za).

3.4.2. If the e-mail is larger than 2MB, it must be emailed to [scmquotations@overstrand.gov.za](mailto:scmquotations@overstrand.gov.za) by making use of the **large file upload link**: <http://196.15.210.117/lift/> It remains the responsibility of the bidder to ensure that all electronic bid submissions reach the inbox of the abovementioned address by 12H00 of the closing date of the quotation as indicated on page 3 of this bid document.

3.4.3 No late submissions will be considered

### 4. EVALUATION AND ADJUDICATION

- 4.1. All items will be evaluated and awarded individually where applicable.

SIGNATURE		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			

## 5. TECHNICAL REQUIREMENTS

5.1. The following technical requirements apply:

Description of requirements: Online (web) access with live updates is required for 30 users on the following information:		Please indicate with an "X" whether the offer complies with the requirements.		
		Yes	No	Comment
5.1.1.	Service provider must provide the services through an online web platform which must be available 24/7			
5.1.2.	A Comprehensive Guide - Labour Relations Law			
5.1.3.	All South Africa Law Reports 1828 – present			
5.1.4.	Civil Procedure in the Superior Courts			
5.1.5.	Environmental Law in South Africa			
5.1.6.	Government Gazettes Online, National and Provincial			
5.1.7.	Harassment in the Workplace			
5.1.8.	King III Report on Corporate Governance for South Africa and Code of Governance Principles			
5.1.9.	Law of Collisions in South Africa			
5.1.10.	Law of South Africa (reference works including indexes, dictionaries and diaries)			
5.1.11.	Local Government Law in South Africa			
5.1.12.	Local Government Legislation: Western Cape			
5.1.13.	National Legislation			
5.1.14.	New and Legal Updates			
5.1.15.	Norman's Law of Purchase and Sale			
5.1.16.	Payroll Administrator's Manual			
5.1.17.	Property Law			
5.1.18.	Property Law Digest			
5.1.19.	Regional Legislation: Western Cape			
5.1.20.	Remuneration Packaging guide			
5.1.21.	Rental and Eviction Claims			

SIGNATURE		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			

Description of requirements: Online (web) access with live updates is required for 30 users on the following information:		Please indicate with an "X" whether the offer complies with the requirements.		
		Yes	No	Comment
5.1.22.	South African Road Traffic and Transport Legislation			
5.1.23.	The Law of Contract in South Africa			
5.1.24.	The Occupational Health and Safety Act			
5.1.25.	King IV report on corporate governance			
5.1.26.	National Water Act 36 of 1998			
5.1.27.	Water Services Act 108 of 1997			
5.1.28.	Guide to Employee Taxation			

## 6. INFORMATION TO BE PROVIDED BY THE BIDDER

- 6.1. Completed schedules included in quotation document

## 7. PRICING

- 7.1. The successful bidder should be able to provide a detailed breakdown of rates as per the pricing schedule on request.
- 7.2. The Tendered Price must Include VAT. If the bidder is not a registered VAT vendor, it must be indicated as such on the Pricing Schedule

SIGNATURE		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			



**12. PRICING SCHEDULE**

**NOTE:**

1. Only firm prices will be accepted. Non-firm prices will not be considered.
2. The Bidder **MUST** indicate whether he/she/the entity is a registered VAT Vendor or not.
  - a. In the case of the Bidder not being a registered VAT Vendor, both columns (amount/rate excluding AND including VAT) must reflect the same amount.

	INDICATE WITH AN 'X'							
	YES				NO			
Are you/is the firm a registered VAT Vendor								
If "YES", please provide VAT number								

I / We \_\_\_\_\_  
 (full name of Bidder) the undersigned in my capacity as \_\_\_\_\_  
 of the firm \_\_\_\_\_  
 hereby offer to Overstrand Municipality to render the services as described, in accordance with the specification and conditions of contract to the entire satisfaction of the Overstrand Municipality and subject to the conditions of tender, for the amounts indicated hereunder:

**PRICING SCHEDULE:**

	Price (VAT inclusive)
Annual online subscription fee for 30 user package	

SIGNATURE		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			



**13. DECLARATION**

1	I / We acknowledge that I / we am / are fully acquainted with the contents of the conditions of tender of this tender document.
2	I / We declare that I / we have read, understand and accept the following documents as published on the Overstrand Municipality’s Website, to form part of this agreement if and when concluded and that I / we accept the conditions in all respects:
2.1	Invitation to bid (advertisement)
2.2	Standard Conditions of Tender – CIDB – only applicable to construction related bids
2.3	National Treasury General Conditions of Contract (2010)
3	I / We agree that the laws of the Republic of South Africa shall be applicable to the contract resulting from the acceptance of my / our tender and that I / we elect <i>domicillium citandi et executandi</i> (physical address at which legal proceedings may be instituted) in the Republic at:
4	I / We accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving in me / us under this agreement as the principal liable for the due fulfilment of this contract.
5	I / We furthermore confirm I / we satisfied myself / ourselves as to the corrections and validity of my / our tender; that the price quoted cover all the work / items specified in the tender documents and that the price(s) cover all my / our obligations under a resulting contract and that I / we accept that any mistake(s) regarding price and calculations will be at my / our risk.
6	I / We furthermore confirm that my / our offer remains binding upon me / us and open for acceptance by the Purchases / Employer during the validity period indicated and calculated from the closing date of the bid.

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

SIGNATURE		NAME (PRINT)	
CAPACITY		DATE	
NAME OF FIRM			