MAGALIES WATER (MW)

REQUEST FOR QUOTATIONS

INVIATION TO SUBMIT FORMAL WRITTEN PRICE QUOTATIONS

Magalies Water request you to quote for the goods and services listed hereunder in this RFQ document. Bidders are requested to furnish all the information requested and return their quotation on the date stipulated in this RFQ. Late and incomplete submission will not be considered.

<table>
<thead>
<tr>
<th>RFQ No</th>
<th>10008966</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of goods and services Issued</td>
<td>31242N: 400L LOW TEMPERATURE INCUBATOR</td>
</tr>
<tr>
<td>Advert Date</td>
<td>10 December 2018</td>
</tr>
<tr>
<td>Closing Date</td>
<td>17 December 2018</td>
</tr>
<tr>
<td>Closing Time</td>
<td>Delivery Address: Brits Scientific Laboratory</td>
</tr>
<tr>
<td>Compulsory Briefing Meeting Date:</td>
<td>Magalies water website (intranet)</td>
</tr>
<tr>
<td>Compulsory Briefing Meeting Time:</td>
<td>OR</td>
</tr>
<tr>
<td>RFQ documents are obtain from :</td>
<td>Procurement or SCM Office or (Emails)</td>
</tr>
<tr>
<td>Submission of RFQ:</td>
<td><a href="mailto:hezekiell@magalieswater.co.za">hezekiell@magalieswater.co.za</a></td>
</tr>
<tr>
<td>Technical Enquiries :</td>
<td>Ms Tshegofatso Thipe at <a href="mailto:tshegovatsot@magalieswater.co.za">tshegovatsot@magalieswater.co.za</a></td>
</tr>
<tr>
<td>Procurement /SCM Enquiries</td>
<td>Hezekiel Lukele <a href="mailto:hezekiell@magalieswater.co.za">hezekiell@magalieswater.co.za</a> or Thabo Matjila <a href="mailto:thabom@magalieswater.co.za">thabom@magalieswater.co.za</a> 014 497 4636</td>
</tr>
</tbody>
</table>

Please note :

- Original tax clearance certificate
- Original BBBEE certificate or Sworn Affidavit, if copy duly certified
- SBDs Completed & Signed as provided
- CSD (Central Supplier Database Registration Report )
- Please send Official quotation

NB: Please write initials on all pages of the RFQ

Bidders must acknowledge receipt of this RFQ to hezekiell@magalieswater.co.za

This RFQ is subject to the general conditions of the RFQ, National Treasury's general conditions of contract (GCC) and, if applicable, any other special conditions of contract (SCC).
PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)

BID NUMBER: RFQ 10008666
CLOSING DATE: 17/12/2018
CLOSING TIME: 12H00

DESCRIPTION: 31242N: 400L LOW TEMPERATURE INCUBATOR

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT

- MAGALIES WATER HEAD OFFICE - RUSTENBURG
  25°40’15.94”S
  27°14’15.62”E

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO: TECHNICAL ENQUIRIES MAY BE DIRECTED TO:

CONTACT PERSON: MR HEZEKIEL LUKELE
CONTACT PERSON: Ms Tshegofatso Thipe

TELEPHONE NUMBER: 014 497 4636
TELEPHONE NUMBER: 012 277 1290

FACSIMILE NUMBER: E-MAIL ADDRESS: hezekiell@magalieswater.co.za
E-MAIL ADDRESS: tshegofatsot@magalieswater.co.za

SUPPLIER INFORMATION

NAME OF BIDDER

POSTAL ADDRESS

STREET ADDRESS

TELEPHONE NUMBER

CELLPHONE NUMBER

FACSIMILE NUMBER

E-MAIL ADDRESS

VAT REGISTRATION NUMBER

SUPPLIER COMPLIANCE STATUS

TAX COMPLIANCE SYSTEM PIN:

OR

CENTRAL SUPPLIER DATABASE No.

B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE

TICK APPLICABLE BOX

Yes

No

B-BBEE STATUS LEVEL SWORN AFFIDAVIT

[ TICK APPLICABLE BOX ]

Yes

No

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?

Yes

No

ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?

Yes

No

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 BELOW.
# PART B
## TERMS AND CONDITIONS FOR BIDDING

### 1. BID SUBMISSION:

1.1. **BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.**

1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED—(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**

1.3. **THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.**

1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

### 2. TAX COMPLIANCE REQUIREMENTS

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 VERIFY THE TAXPAYER’S PROFILE AND TAX STATUS.**

2.3. **APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.**

2.4. **BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.**

2.5. **IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.**

2.6. **WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.**

2.7. **NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE.”**

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

**SIGNATURE OF BIDDER:** ...............................................................  
**CAPACITY UNDER WHICH THIS BID IS SIGNED:** .................................  
(Proof of authority must be submitted e.g. company resolution)  
**DATE:** ...............................................................
1. **QUOTATION DOCUMENTS**

Your quotation must be submitted in accordance with the following documentation enclosed herewith:

1.1. **Scope of Work: (Annexure 1)**

1.2. **Price Schedule: (Annexure 2).** A detailed quotation may be submitted together with the Price Schedule.

1.3. **Returnable Schedules: (Annexure 3)**
   - (a) Original & Valid Tax Clearance Certificate
   - (b) Declaration of Interest
   - (c) B-BBEE Verification Certificate
   - (d) Declaration of bidder’s past supply chain management practices
   - (e) Certificate of independent bid determination
   - (f) Reference Schedule
2. **CENTRAL SUPPLIER DATABASE REGISTRATION**

Only those suppliers/contractors who are registered on Central Supplier Database, or are capable of being registered prior to the evaluation of submissions, are eligible to submit quotations. Magalies Water will only enter into a formal contract with a supplier/contractor who is registered on Central Supplier Database and has been issued with a Supplier number.

Suppliers/Contractors who are not registered on Magalies Water database but have CSD vendor numbers are not precluded from submitting quotations.

Suppliers who wish to register as suppliers/contractors/service providers on Central Supplier Database can register online on https://secure.csdd.gov.za

For further enquiries contact the Supply Chain Management Department or CAPEX Sourcing specialist on Tel: 014 597 4636 /thabom@magalieswater.co.za

3. **METHOD OF SUBMISSION OF QUOTATION:**

Your quotation maybe submitted by one of the following methods.

- Hand delivered to our Procurement Section, No.38 Heystek Street.Rustenburg.0300
- Email. hezekiell@magalieswater.co.za
- (Please do not put in tender box).
Scope of Work

Magalies Water is a state-owned, South African water utility established in November 1997 and is mandated to render water services to water sector institutions, to local government and other customers in the SA.

Magalies Water invites quotations from suitably experienced, qualified and accredited professional service providers.

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
<th>Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>31242N: 400L LOW TEMPERATURE INCUBATOR</td>
<td>1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Scope of Work

31242N: 400L LOW TEMPERATURE INCUBATOR

Temperature range incubator. 0-60°C, 230V, 50Hz, 1200W. 4 Chrome plated steel shelves
Where possible all casual labour (if any) must be sourced from the local community. Magalies Water will require a register of the people used on this project.

Contractor to supply own accommodation and storage for the safe keeping of material, plant and equipment as Magalies Water will not be held liable for any loss or theft thereof.

The contractor should take full responsibility of any Incidents / Accidents on-site. Contractors to Comply with Health & Safety standards as per OHS Act 85 of 1993 & that of the CR2014.

Site must be left in a clean and neat condition on completion of this contract.

Any damages to the surrounding area, buildings, fences, equipment, infrastructure etc occurred during aquifer testing will be the responsibility of the contractor to rectify such damage at their own costs.

Magalies water will only pay the contractor 30 days after the completion of the project according to contract terms and conditions.

N/B 1. Letter of good standing to be submitted.

For more information or clarity please contact Hezekiel Lukele @ 014 597 3646
Or hezekiell@magalieswater.co.za

Location of Plant:

- Klipdrift water purification works
  - 25°22'52.69"S
  - 28°18'26.68"E
Annexure A

Pricing schedule

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Total Price (Excl. Vat)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Sub Total

VAT

Total

**NB**: Please specify lead time ................................ days after order

award. Kindly complete the following information:

Vendor Name:  

Vendor Registration No.:  Vat Reg. No.:  

Tel. Number:  Fax. Number:  

Name (Block Letters):  

Quotation Date:  Signature:  
Annexure 3

Returnable Schedules

1. TAX CLEARANCE CERTIFICATE (SBD 2)

   Bidders are to attach a copy of a valid and original tax clearance certificate

   Attach Relevant Document
DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or

- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

2.1 Full Name of bidder or his or her representative: …………………………………………………………..

2.2 Identity Number: …………………………………………………………………………………………………

2.3 Position occupied in the Company (director, trustee, shareholder²): ………………………………………

2.4 Company Registration Number: ………………………………………………………………………………………

2.5 Tax Reference Number: ……………………………………………………………………………………………

2.6 VAT Registration Number: ………………………………………………………………………………………

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

**State** means –
(a) 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);
(b) any municipality or municipal entity;
(c) provincial legislature;
(d) national Assembly or the national Council of provinces; or
(e) Parliament.

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

2.7 Are you or any person connected with the bidder presently employed by the state? YES / NO

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/members: ………………………………………

Name of state institution at which you or the person connected to the bidder is employed: ………………………………………

Position occupied in the state institution: ………………………………………

Any other particulars:

………………………………………………………………

………………………………………………………………

………………………………………………………………
2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector?

YES / NO

2.7.2.1 If yes, did you attach proof of such authority to the bid document?

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.)

YES / NO

2.7.2.2 If no, furnish reasons for non-submission of such proof:

……………………………………………………………………
……………………………………………………………………
……………………………………………………………………

2.8 Did you or your spouse, or any of the company’s directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months?

YES / NO

2.8.1 If so, furnish particulars:

……………………………………………………………………
……………………………………………………………………
……………………………………………………………………

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid?

YES / NO

2.9.1 If so, furnish particulars.

……………………………………………………………………
……………………………………………………………………
……………………………………………………………………

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

YES/NO

2.10.1 If so, furnish particulars.

……………………………………………………………………
……………………………………………………………………
……………………………………………………………………

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES/NO

2.11.1 If so, furnish particulars:

……………………………………………………………………
……………………………………………………………………
……………………………………………………………………
### Full details of directors / trustees / members / shareholders.

<table>
<thead>
<tr>
<th>Full Name</th>
<th>Identity Number</th>
<th>Personal Tax Reference Number</th>
<th>State Employee Number / Persal Number</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

### DECLARATION

I, THE UNDERSIGNED (NAME)…………………………………………………………………………………………

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

………………………………………..………………………………………………
Signature Date

………………………………………..………………………………………………
Position Name of bidder

May 2011
This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution.


1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:
   - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included);
   - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 a) The value of this bid is estimated to exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the ................. preference point system shall be applicable; or
   b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (delete whichever is not applicable for this tender).

1.3 Points for this bid shall be awarded for:
   (a) Price; and
   (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

<table>
<thead>
<tr>
<th>Points</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>PRICE</td>
<td></td>
</tr>
<tr>
<td>B-BBEE STATUS LEVEL OF CONTRIBUTOR</td>
<td></td>
</tr>
<tr>
<td>Total points for Price and B-BBEE must not exceed</td>
<td>100</td>
</tr>
</tbody>
</table>

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

(a) “B-BBEE” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

(b) “B-BBEE status level of contributor” means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based...
Black Economic Empowerment Act;

(c) “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 goods or services, through price quotations, advertised competitive bidding processes or proposals;

(d) “Broad-Based Black Economic Empowerment Act” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

(e) “EME” means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(f) “functionality” means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.

(g) “prices” includes all applicable taxes less all unconditional discounts;

(h) “proof of B-BBEE status level of contributor” means:
   1) B-BBEE Status level certificate issued by an authorized body or person;
   2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
   3) Any other requirement prescribed in terms of the B-BBEE Act;

(i) “QSE” means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(j) “rand value” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

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:

\[
P_S = 80 \left( 1 - \frac{P_t - P_{\text{min}}}{P_{\text{min}}} \right) \quad \text{or} \quad P_S = 90 \left( 1 - \frac{P_t - P_{\text{min}}}{P_{\text{min}}} \right)
\]

Where

\[P_S = \text{Points scored for price of bid under consideration}\]
\[P_t = \text{Price of bid under consideration}\]
\[P_{\text{min}} = \text{Price of lowest acceptable bid}\]

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

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:
<table>
<thead>
<tr>
<th>B-BBEE Status Level of Contributor</th>
<th>Number of points (90/10 system)</th>
<th>Number of points (80/20 system)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>9</td>
<td>18</td>
</tr>
<tr>
<td>3</td>
<td>6</td>
<td>14</td>
</tr>
<tr>
<td>4</td>
<td>5</td>
<td>12</td>
</tr>
<tr>
<td>5</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>7</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Non-compliant contributor</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

5. **BID DECLARATION**

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

6. **B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

6.1 B-BBEE Status Level of Contributor: \( \text{points} = \ldots \) (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.)

7. **SUB-CONTRACTING**

7.1 Will any portion of the contract be sub-contracted?

*(Tick applicable box)*

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted: \( \ldots \)%

ii) The name of the sub-contractor: \( \ldots \)

iii) The B-BBEE status level of the sub-contractor: \( \ldots \)

iv) Whether the sub-contractor is an EME or QSE

*(Tick applicable box)*

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

<table>
<thead>
<tr>
<th>Designated Group: An EME or QSE which is at least 51% owned by:</th>
<th>EME</th>
<th>QSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black people</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people who are youth</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people who are women</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people with disabilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people living in rural or underdeveloped areas or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>townships</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooperative owned by black people</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people who are military veterans</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

OR

| Any EME                                                      |     |     |
8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm: ............................................................................................................

8.2 VAT registration number: ...........................................................................................................

8.3 Company registration number: .....................................................................................................

8.4 TYPE OF COMPANY/ FIRM

☐ Partnership/Joint Venture / Consortium
☐ One person business/sole propriety
☐ Close corporation
☐ Company
☐ (Pty) Limited

[ Tick applicable box]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

................................................................................................................................................................
................................................................................................................................................................
................................................................................................................................................................
................................................................................................................................................................
................................................................................................................................................................

8.6 COMPANY CLASSIFICATION

☐ Manufacturer
☐ Supplier
☐ Professional service provider
☐ Other service providers, e.g. transporter, etc.

[Tick applicable box]

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

8.8 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 6.1
of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the
purchaser that the claims are correct;

iv) 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 by the National Treasury 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.

<table>
<thead>
<tr>
<th>WITNESSES</th>
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<tbody>
<tr>
<td>1. ………………………………</td>
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<td>2. ………………………………</td>
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<table>
<thead>
<tr>
<th>SIGNATURE(S) OF BIDDERS(S)</th>
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</thead>
<tbody>
<tr>
<td>DATE: ………………………..</td>
</tr>
<tr>
<td>ADDRESS ………………………</td>
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<tr>
<td>………………………………</td>
</tr>
</tbody>
</table>

1. ………………………………
2. ………………………………
DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

1.1. Preferential Procurement Regulations, 2011 (Regulation 9) makes provision for the promotion of local production and content.

1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.

1.3. Where necessary, for bids referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.

1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.

1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286:2011 as follows:

\[ LC = (1 - \frac{x}{y}) \times 100 \]

Where

- \(x\) is the imported content in Rand
- \(y\) is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of \(x\) must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.


1.6 A bid may be disqualified if –

(a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and

(b) the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.
2. Definitions

2.1. “bid” includes written price quotations, advertised competitive bids or proposals;

2.2. “bid price” price offered by the bidder, excluding value added tax (VAT);

2.3. “contract” means the agreement that results from the acceptance of a bid by an organ of state;

2.4. “designated sector” means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;

2.5. “duly sign” means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility(close corporation, partnership or individual).

2.6. “imported content” means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour or intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;

2.7. “local content” means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;

2.8. “stipulated minimum threshold” means that portion of local production and content as determined by the Department of Trade and Industry; and

2.9. “sub-contract” means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

3. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

<table>
<thead>
<tr>
<th>Description of services, works or goods</th>
<th>Stipulated minimum threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>_____%</td>
</tr>
<tr>
<td></td>
<td>_____%</td>
</tr>
<tr>
<td></td>
<td>_____%</td>
</tr>
</tbody>
</table>

4. Does any portion of the services, works or goods offered have any imported content?
   *(Tick applicable box)*

   YES  NO

4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.
The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za).

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annexure A of SATS 1286:2011):

<table>
<thead>
<tr>
<th>Currency</th>
<th>Rates of exchange</th>
</tr>
</thead>
<tbody>
<tr>
<td>US Dollar</td>
<td></td>
</tr>
<tr>
<td>Pound Sterling</td>
<td></td>
</tr>
<tr>
<td>Euro</td>
<td></td>
</tr>
<tr>
<td>Yen</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

NB: Bidders must submit proof of the SARB rate(s) of exchange used.

5. Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct? (Tick applicable box)

   YES ☐ NO ☐

5.1. If yes, provide the following particulars:

   (a) Full name of auditor: .................................................................

   (b) Practice number: ........................................................................

   (c) Telephone and cell number: ............................................................

   (d) Email address: .............................................................................

   (Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)

6. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

---

**LOCAL CONTENT DECLARATION**

(REFER TO ANNEX B OF SATS 1286:2011)

---

LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)

IN RESPECT OF BID NO. ........................................................................................................

ISSUED BY: (Procurement Authority / Name of Institution):

..........................................................................................................................

NB

1. The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

2. Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thdti.gov.za/industrial development/ip.jsp](http://www.thdti.gov.za/industrial development/ip.jsp). Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the**
closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below. Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, ……………………………………………………………………………………………………………………………………………………………………….. (full names), do hereby declare, in my capacity as ……………………………………… ……….. of ……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………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# DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1. This Standard Bidding Document must form part of all bids invited.

2. It serves as a declaration to be used by institutions 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 disregarded if that bidder, or any of its directors have-
   a. abused the institution’s supply chain management system;
   b. committed fraud or any other improper conduct in relation to such system; or
   c. failed to perform on any previous contract.

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

<table>
<thead>
<tr>
<th>Item</th>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>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 <em>audi alteram partem</em> rule was applied).</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.1.1</td>
<td>If so, furnish particulars:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.2</td>
<td>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.</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4.2.1</td>
<td>If so, furnish particulars:</td>
<td></td>
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<tr>
<th>4.3</th>
<th>Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
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<thead>
<tr>
<th>4.3.1</th>
<th>If so, furnish particulars:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>4.4</th>
<th>Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?</th>
<th>Yes</th>
<th>No</th>
</tr>
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<tbody>
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<td></td>
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</table>

<table>
<thead>
<tr>
<th>4.4.1</th>
<th>If so, furnish particulars:</th>
</tr>
</thead>
<tbody>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**SBD 8**

**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.

………………………………………...………………………………………...………………………………………...………………………………………...

Signature                                             Date

………………………………………...………………………………………...………………………………………...………………………………………...

Position                                             Name of Bidder

Js365bW
CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.

2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:

   a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution’s supply chain management system and or committed fraud or any other improper conduct in relation to such system.

   b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.

4 This SBD 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 (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.
CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

____________________________________________________

(Bid Number and Description)

in response to the invitation for the bid made by:

____________________________________________________

(Name of Institution)

I 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\(^3\) will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
   
   (a) prices;
   
   (b) geographical area where product or service will be rendered (market allocation);
   
   (c) methods, factors or formulas used to calculate prices;
   
   (d) the intention or decision to submit or not to submit, a bid;
   
   (e) the submission of a bid which does not meet the specifications and conditions of the bid;
   
   or
   
   (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

\(^3\) Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

................................................................. .................................................................
Signature                                      Date

................................................................. .................................................................
Position                                       Name of Bidder

Js914w 2
Suppliers must provide details of similar work/services, which have been completed successfully. The information shall include a description of the nature of work, the contract value, contract duration and references.

<table>
<thead>
<tr>
<th>No.</th>
<th>Client’s Name</th>
<th>Nature of Work</th>
<th>Total Value of Contract (Excl. VAT)</th>
<th>Duration of Contract</th>
<th>References</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>Name</td>
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<tr>
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<td></td>
<td></td>
<td></td>
<td>Telephone Number</td>
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<td>1.</td>
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<td>2.</td>
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<td>3.</td>
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<td>4.</td>
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</table>

Signed: ____________________________  Name: ____________________________  Date: ____________________________

Position: ____________________________  Company: ____________________________
Conditions of bid

1. Your submission of a quotation in response to this invitation signifies your acceptance of the Conditions as laid down in this document.
   (a) If you do not intend submitting a quotation, kindly advise us accordingly.
   (b) Any expenses incurred by the Vendor in preparing and submitting his tender will be for the Vendor’s account, as Magalies Water will not accept any liability in this regard.
   (c) We reserve the right to correct discrepancies and errors as necessary with the consent of the Vendor, however the tendered total of the prices shall remain unaltered.

2. All quotations submitted must be signed by an authorized company representative.

3. Magalies Water requires the quoted rate to remain firm for acceptance for a period of thirty days (30) calendar days commencing from the closing date stated in this document. Where prices are subject to variation it must be noted that no prices are to be revised and invoiced, without prior mutual agreement and official modification of the order.

4. We reserve the right to accept any quotation other than the lowest quotation and to accept or reject any quotation in whole or in part without notice or reason, and if no tender is accepted, to abandon the work, or have it performed in such other manner as we may elect, or re-issue a similar enquiry at any time of our choosing.

5. All goods supplied in terms of this order shall be packed and delivered carriage paid at Supplier’s risk until delivered.

6. The Supplier shall mark clearly Magalies Water order number on the consignment package, delivery notes, packing notes, advice notes, invoices, monthly statements and all correspondence relating thereto.

7. Magalies Water shall be entitled to inspect the goods which are the subject matter of this order at any reasonable time at the Supplier’s works or at the works of sub-contractors.

8. No part of this order shall be sub-contracted by the Supplier without Magalies Water’s prior consent in writing.

9. Should Magalies Water during the installation and implementation period for any reason regard the Contractor’s Service levels and performances against this contract as being inadequate and not to Magalies Water’s satisfaction, the details will be reduced to writing, clearly headed “Inadequate Performance” and sent to the Contractor. In the event that the Contractor is unable to remedy any complaints to Magalies Water’s satisfaction within seven (7) days of such notice of inadequate performance, Magalies Water reserves the right to immediately cancel this contract. Notice of cancellation shall either be by fax or in writing.

10. All contractors and suppliers, providing services on any Magalies Water sites, must fully comply with the relevant Health and Safety Specifications. The relevant documentation will be forwarded to the successful vendor for completion and the submission of a SHE Plan. No work may commence with the approval of the SHE Plan submitted. Failure to comply with the Health and Safety Specifications by either the Contractor or Supplier, or any of their employees, may result in them being removed from site or being denied access to the site.

11. All tools, materials, specifications and other data provided by Magalies Water in connection with this order shall remain at all times Magalies Water’s property, are to be surrendered to Magalies Water on completion of the order and are to be used solely for the purpose of completing the same.

12. Unless otherwise stated, all goods must conform to applicable SABS specifications.

13. Magalies Water shall be entitled to cancel any order in respect of goods and/or services not received on due date and hold the Supplier liable for damages.
14. Magalies Water shall not be liable for any orders other than those issued or confirmed on Magalies Water’s official printed order forms duly signed on Magalies Water’s behalf by an authorized signatory and any extensions or amendments thereto shall be issued on like forms.

15. This order and the subject matter thereof shall be treated as confidential between the Supplier and Magalies Water and shall specifically not be used by the Supplier or any sub-contractor for advertisement, display or publication without Magalies Water’s prior written consent.

16. This order shall be construed in all respects in accordance with the laws of the Republic of South Africa.

17. Magalies Water shall not forfeit prompt payment discount on account of delayed payment occasioned by:
   (a) failure by the Supplier to send on the day of dispatch of each consignment such advice(s) of dispatch and invoice(s) as may be indicated on this order; and
   (b) failure to mark clearly Magalies Water’s order number on the consignment package, delivery notes, packaging notes, advice notes, invoices, monthly statements and all correspondence relating thereto.

18. Unless otherwise agreed upon, payment for purchase of these goods will be made by Magalies Water, 30 days from date of invoice.

The above General Conditions of Contract (GCC) are accepted by:

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