



REQUEST FOR PROPOSALS

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE COUNCIL FOR MEDICAL SCHEMES					
BID NUMBER:	RFP/CMS/05	CLOSING DATE: 26 October 2018	CLOSING TIME:	16:00	
DESCRIPTION	SUPPLY, CONFIGURATION AND DEPLOYMENT OF A MEETING ROOM BOOKING SYSTEM FOR THE COUNCIL FOR MEDICAL SCHEMES				
BID/QUOTATION RESPONSE DOCUMENTS MUST BE EMAILED TO THE FOLLOWING EMAIL ADDRESS:					
m.mmethi@medicalschemes.com					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Mpho Mmethi		CONTACT PERSON	Joseph Nong	
TELEPHONE NUMBER	0124310443		TELEPHONE NUMBER	0124310567	
E-MAIL ADDRESS	m.mmethi@medicalschemes.com		E-MAIL ADDRESS	j.nong@medicalschemes.com	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> 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?			ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		
<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]			<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]		

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO
- DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES NO
- DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO
- DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO
- IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? 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.

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 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. BACKGROUND OF COUNCIL FOR MEDICAL SCHEMES

The Council for Medical Schemes is a statutory body established by the Medical Schemes Act (131 of 1998) to provide regulatory supervision of private health financing through medical schemes; and functions as a Schedule 3A Public Entity.

VISION

To promote vibrant and affordable cover for all.

MISSION

The CMS regulates the medical schemes industry in a fair and transparent manner and achieves this by:

- Protecting the public and informing them about their rights, obligations and other matters in respect of medical schemes.
- Ensuring that complaints raised by members of the public are handled appropriately and speedily.
- Ensuring that all entities conducting the business of medical schemes, and other regulated entities, comply with the Medical Schemes Act.
- Ensuring the improved management and governance of medical schemes.
- Advising the Minister of Health of appropriate regulatory and policy interventions that will assist in attaining national health policy objectives.
- Ensuring collaboration with other entities in executing our regulatory mandate.

1. SCOPE OF WORK

Council for Medical Scheme hereby requests prospective bidders to submit proposals for the supply, configuration and deployment of a meeting room booking system. The meeting room booking system must comply with the following minimum technical requirements marked as compulsory. Should the proposed solution not comply with any of the minimum technical requirements, it may be deemed unresponsive.

- The system needs to integrate with Microsoft Exchange 2013/2016 and utilize the room resources feature as defined in Microsoft Exchange. A Microsoft Outlook Plug-in is also required to facilitate room bookings. Where an outlook plug-in is to be used only, bookings should be done without duplicating the invitation of participants feature, available in Exchange.
- The system should be compatible with Office 365 for future cloud-based integration.
- The system may either be on-premise, or cloud based. If the system is cloud based, assurance must be provided that the hosting is conducted in South Africa.
- The system should be able to integrate with Microsoft Active Directory maintained by the CMS and facilitate single sign on (SSO).

- Bookings for each boardroom should display on a dedicated screen of at least 9 inches attached in front of each boardroom. The screens should be interactive, allowing bookings to be added at that point where slots are still available, without the need to resort to a computer.
- Boardroom screens should be affixed using dedicated secure brackets and should be permanently connected to power outlets. Screens will connect to the CMS LAN using the CMS Wireless Network and should thus be wireless capable.
- Bookings for all the boardrooms should be displayed in consolidated format on a large screen at our reception area. This functionality should be software driven as we already have a large display unit of 55 Inches with a small form factor PC at the back to accommodate the reception or consolidated view. This screen or view does not need to be interactive. (Compulsory). Where a dedicated screen, other than the existing screen is to be provided, it should be clearly indicated as well as reasons why the existing screen cannot be utilized.
- The system should allow for the adding of resources to be booked and for allocating such resources to specific staff members who will be responsible for providing such resources.
- Resource requirements (specifically booking for tea or coffee) should be displayed on a separate display unit in the main kitchen, thus allowing our cleaning staff to have an overview of meetings and boardrooms where tea and coffee need to be served.
- The system should allow for both E-Mail and SMS notifications.
- If there is any maintenance that needs to happen in a boardroom e.g. Projector not working, the system should allow for a boardroom to be booked out for maintenance and move existing bookings to other boardrooms or at least send notification to all affected parties to re-schedule.
- Nine (9) boardrooms need to be covered by the solution:
 - Imbizo Auditorium – 105 seats
 - Lekgotla Boardroom – 8 seats
 - Tuto Center (Training Room) – 20 seats
 - Azisa Boardroom - 6 seats
 - Funda Boardroom – 6 Seats
 - Thanda Tuli Boardroom – 20 seats
 - Ulwazi Boardroom – 20 seats
 - Palesa Boardroom – 8 seats
 - Ndumo Boardroom – 12 seats

3. EVALUATION CRITERIA

To facilitate a transparent selection process that allows an equal opportunity to all bidders, Council for Medical Schemes has a Supply Chain Management policy that will be adhered to. Proposals will be evaluated in terms of the prevailing Supply Chain Management policy applicable to Council for Medical Schemes and it should be noted that proposals will be assessed using the 80/20 formula (Preference Points System) for Price and B-BBEE as indicated in the PPPFA Regulations.

3.1 Phase 1- Technical Evaluation

- Proposals will be evaluated and ranked using a weighted average scoring system for functionality to all those bidders who were successful from Phase I.
- The assignment of points by Council for Medical Schemes is final and will under no circumstances be open to appeal or protest by the bidder.
- It is the responsibility of the bidder to understand the scoring system and factor that system into the organization and content of its tender documents.
- The top and final shortlisted bidders will be evaluated and ranked using a weighted average scoring system for functionality to all those bidders who were successful and recommended for adjudication and award.
- All proposals deemed administratively and technically responsive will be reviewed and evaluated for consideration of an award in response to this RFP as described above.

3.2. Phase 2- Price and B-BBEE Evaluation

In terms of regulations 4 and 8 of the Preferential Procurement Regulations, pertaining to the Preferential Procurement Policy Framework Act 2000 (Act 5) responsive bids will be adjudicated on the 80/20 preference points system, with 80 points being for price and a maximum 20 points allocation for B-BBEE status.

3.1. TECHNICAL EVALUATION

The technical evaluation of bidders will be carried out in Phase I.

Bidders will be evaluated in terms of the prevailing supply chain policy applicable to Council for Medical Schemes and it should be noted that:

- A minimum of 70 points out of 100 points on technical capability will be the cut-off to qualify for further evaluation of Price & B-BBEE.
- Council for Medical Schemes will analyse and assess technical capability and therefore the bidder should demonstrate the following:

CRITERIA	SUB-CRITERIA	WEIGHTING/ POINTS	CROSS- REFERENCE TO RESPONSE SUPPORTING
A) Proposed solution	<p>1.The Bidder must fully describe and demonstrate the proposed Meeting Room Booking system to be used as well as the supporting infrastructure. The following minimum technical requirements must be addressed (30 Points):</p> <ol style="list-style-type: none"> 1. Integration with Exchange 2016 calendar function and Outlook Plug-in (5 Points). 2. Interactive screens with status indicators for each boardroom. Secured with brackets. (5 Points) 	40	

CRITERIA	SUB-CRITERIA	WEIGHTING/ POINTS	CROSS- REFERENCE TO RESPONSE SUPPORTING
	<p>3. Consolidated view at reception desk on big screen. (5 Points)</p> <p>4. Resource requirements (tea/coffee). Separately displayed on screen in main Kitchen. (5 Points)</p> <p>5. Booking out of boardrooms for maintenance should be supported. (5 Points)</p> <p>6. Central administrative interface and E-mail / SMS notifications. (5 Points)</p> <p>2.The Bidder must demonstrate the Approach, Methodology and Project Plan (AMP), to be adopted during the implementation, hosting and execution of the contract. The AMP must be linked to the deliverables and scope of work as per Section 2 of the TOR. (10 Points)</p>		
<p>B) Organizational Capacity, Capabilities and Experience to execute and implement meeting room booking system</p>	<p>1.The Bidder must demonstrate the Capability/ Ability to provide services that meet the requirements stated in the scope of work/services (20 Points)</p> <p>2.Demonstrate financial capabilities to execute the project. The bidder must submit two years audited financial statements signed off by a registered accountant (10 Points)</p> <p>3.The Bidder must demonstrate previous experience relevant to the scope of work in either private or public sector by submitting the testimony letters (10 Points):</p> <ul style="list-style-type: none"> • 1-2 Testimony letters (5 Points) • 3 and above Testimony letters (10 Points) 	40	
<p>C) Capacity and experience of the proposed team</p>	<p>The proposed teams who will provide the must demonstrate experience, qualifications and capabilities including those of team leader/s, account managers and project managers. The proposed team and its leaders must have at least five (5) years' experience relevant to management and execution of similar projects. (20 Points)</p>	20	
<p>Total Technical Scores</p>			<p>100</p>

3.2. PRICE AND B-BBEE EVALUATION

Table 1- Price and B-BBEE

CRITERIA	SUB-CRITERIA	WEIGHTING/ POINTS
Price	Detailed budget breakdown	80
B-BBEE	B-BBEE Level Contributor	20
TOTAL		100

4. INSTRUCTIONS TO BIDDERS

4.1. Terms and Conditions

The Council for Medical Schemes reserves the right, under exceptional circumstances, to extend the closing date. All proposals and all subsequent information received from bidders will not be returned.

The adjudication process does not represent a commitment on the part of Council for Medical Schemes to proceed further with that proposal or of any other bidder.

4.2. Changes to this RFQ document

Council for Medical Schemes reserves the right to make changes on this RFQ Document. All changes will be communicated to those firms that have responded to the RFQ. No reliance shall be placed on other information or comment from any other person.

4.3. Confidentiality

Any information relating to the submissions, through the process or otherwise shall be treated in strict confidence.

4.4. Other matters

Council for Medical Schemes reserves the right not to enter into any relationship and no correspondence pertaining to submissions will be entered into.

If the Council for Medical Schemes does not accept any proposal, it will declare this RFQ call process closed and may then elect to:

- Proceed on a completely different basis; and

- Not appoint any respondent in the event it deems proposals not appropriate.

The Council for Medical Schemes will not accept any responsibility for costs incurred by bidders in preparing and submitting proposals.

The Council for Medical Schemes reserves the right to engage in a process to validate all claims made in the proposal.

The Council for Medical Schemes reserves the right to cancel the award if it is determined that the supplier/service provider recommended for award, has engaged in corrupt or fraudulent activities in competing for the contract in question. For the purposes of this RFP/RFT, RFQ, “fraudulent practice” means a misrepresentation of facts in order to influence a selection process or the execution of a contract to the detriment of the accounting officer/authority, and includes collusive practices among bidders/contractors (prior to or after submission of proposals) designed to establish prices at artificial, non-competitive levels and to deprive the accounting officer/authority of the benefits of free and open competition.

5. PAYMENT STRUCTURE

5.1. Council for Medical Schemes undertakes to pay in full within thirty (30) days, all valid claims for work done to its satisfaction upon presentation of a substantiated claim/invoice.

5.2. Payments will only be made based on the work completed (milestones/ deliverables) as per the project implementation plan to be agreed at the inception of the project.

6. GENERAL

Below are compulsory requirements for this service:

6.1. It is important to note that the successful bidder will work under the supervision of a Council for Medical Schemes representative, abide by Council for Medical Schemes’s Code of Conduct, and other organizational guidelines.

6.2. Kindly submit the following document:

- **Valid and Original or Certified B-BBEE Status Level Verification Certificates issued by the following agencies SANAS, IRBA or CCA for companies with a total turnover of R 50 Million and above, and EME’s and QSE’s can submit affidavit obtainable from Department of Trade and Industry (DTI) website.**
- **Original Valid Tax Clearance Certificate or SARS Tax Number**
- **National Treasury Central Supplier Database Report**
- **Complete the attached SBD 1, 4, 8 and 9. Failure to complete and sign the SBD 1, 4, 8 and 9 will lead to automatic disqualification from the evaluation process.**
-

7. CONTACT DETAILS FOR INFORMATION

7.1. Further information regarding technical matters can be sent via email to: j.nong@medicalschemes.com

7.2. Further information regarding supply chain matters can be send via email to: m.mmethi@medicalschemes.com

8. SUBMISSIONS OF PROPOSALS/QUOTATIONS

Proposals should be submitted on or before the 26th October 2018 by no later than 16h00 to the following email address: **Council for Medical Schemes, Block A, Eco Glades 2 Office Park, 420 Witch-Hazel Avenue, Eco Park, Centurion, 0157**

The selection of the qualifying bid/quotations will be at Council for Medical Schemes's sole discretion. Council for Medical Schemes does not bind itself to accept any bid/quotations, and reserves the right not to appoint the bidder.

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.

¹“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.

²“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/ member:

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 attached proof of such authority to the bid document? **YES / NO**

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

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:

.....

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

Full Name	Identity Number	Personal Tax Reference Number	State Number / Number	Employee Peral Number

4 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

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.**

Item	Question	Yes	No
4.1	<p>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?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		

4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	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?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

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)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ **Joint venture or Consortium means an association of persons for 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