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REQUEST FOR QUOTATION (RFQ)

| | |
|---------------------------------|--|
| RFQ NUMBER: | RFQ/SCM/2022/180 |
| TENDER ISSUE DATE | 15 NOVEMBER 2022 |
| NON-COMPLUSORY BRIEFING SESSION | N/A |
| RFQ DESCRIPTION | APPOINTMENT OF A SERVICE PROVIDER FOR AN ENTERPRISE AND SUPPLIER DEVELOPMENT INCUBATION PROGRAMME FOR A PERIOD OF TWELVE MONTHS. |
| CLOSING DATE & TIME | 24 NOVEMBER 2022 AT 12H00 |

Submissions must be electronically emailed to RFQSubmissions@sabc.co.za on or before the closing date of this RFQ,

For queries, please contact Ayanda Danca via email: Tenderqueries@sabc.co.za

The SABC requests your quotation on the services listed above. Please furnish us with all the information as requested and return your quotation on the date and time stipulated above. Late and incomplete submissions will invalidate the quote submitted.

SUPPLIER NAME : _____

POSTAL ADDRESS : _____

TELEPHONE NO : _____

FAX. NO. : _____

E MAIL ADDRESS : _____

CONTACT PERSON : _____

CELL NO : _____

SIGNATURE OF BIDDER: _____

NOTES ON QUOTATIONS AND PROPOSALS SUBMISSION

1. All electronic submissions must be submitted in a **PDF** format that is protected from any modifications, deletions, or additions.
2. Financial/pricing information must be presented in a **separate** attachment from the Technical / Functional Response information.
3. The onus is on the Bidder to further ensure that all mandatory and required documents are included in the electronic submission.
4. All submissions should be prominently marked with the following details in the email subject line:
 - **RFQ and bidders' name.**
5. Bidders are advised to email electronic submissions at least thirty minutes before the bid closing time to cater for any possible delay in transmission or receipt of the bid. The onus is on bidder to ensure that the bid is submitted on time via email
6. Tender submission emails received after submission date and time will be considered late bid submissions and will not be accepted for consideration by SABC.
7. SABC will not be responsible for any failure or delay in the email transmission or receipt of the email including but not limited to:
 - receipt of incomplete bid
 - file size
 - delay in transmission receipt of the bid
 - failure of the Bidder to properly identify the bid
 - illegibility of the bid; or
 - Security of the bid data.

NB: THE BIDDER SHOULD ENSURE THAT LINKS FOR WETRANSFER AND GOOGLE DROP BOX EXPIRE AFTER 30 DAYS OF THEIR SUBMISSIONS INSTEAD OF SEVEN DAYS

REQUIRED DOCUMENTS

- 1.1 Submit proof of CSD Registration (**Bidder must be registered with CSD to do business with the SABC**)
- 1.2 Proof of Valid TV License Statement for the Company; all active Directors and Shareholder must have valid TV Licenses.
(Verification will also be done by the SABC internally).
- 1.3 Valid Tax Clearance Certificate or SARS “Pin” to validate supplier’s tax matters
- 1.4 Original or Certified copy of Valid BBEE Certificate (from SANAS accredited Verification Agency)
- 1.5 All EME’s and 51% black Owned QSE’s are only required to obtain a **sworn affidavit** on an annual basis, confirming the following;
 - 1.4.1 Annual Total Revenue of R10 Million or less (EME) or Revenue between R10 Million and R50 Million for QSE
 - 1.4.2 Level of Black Ownership

Note 1:

Verification Agencies and Auditors who are accredited by the IRBA (Independent Regulatory Board for Auditors) are no longer the ‘approved regulatory bodies’ for B-BBEE verification and therefore IRBA auditors are not allowed to issue B-BBEE certificates after 30 September 2016.

Note 2:

Any misrepresentation in terms of the above constitutes a criminal offence as set out in the B-BBEE act as amended.

- 1.6 Certified copy of Company Registration Document that reflect Company Name, Registration number, date of registration and active Directors or Members.
- 1.7 Certified copy of Shareholders’ certificates.
- 1.8 Certified copy of ID documents of the Directors or Members.

NB: NO CONTRACT WILL BE AWARDED TO ANY BIDDERS WHO’S TAX MATTERS ARE NOT IN ORDER.

NO CONTRACT WILL BE AWARDED TO ANY BIDDERS WHO’S TV LICENCE STATEMENT ACCOUNT IS NOT VALID.

DETAILED TECHNICAL SPECIFICATION

1. COMPANY OVERVIEW

South African Broadcasting Corporation (SABC) is a Public Entity founded in August 1936 and listed in terms of Schedule 2 of the Public Finance Management Act, Act No. 1 of 1999, as a public broadcaster in South Africa, and provides 19 radio stations as well as five television broadcasts to the general public.

2. INTRODUCTION AND BACKGROUND

The SABC, as a public entity, is required to promote Broad Based Black Economic Empowerment in order to address the imbalances of the past and transform the South African economy while contributing to economic growth.

This is the government initiative to promote economic transformation to enable meaningful participation in the economy by black owned companies.

In the 2020/21 financial year assessment, the SABC achieved a B-BBEE contribution level 7 certificate. It was however, noted that the SABC scored zero on the Enterprise Development Scorecard and on Skills Development.

SABC did not achieve significant improvement on these two elements as there were limited number of Enterprise and Supplier Development initiatives and Skills Development implemented by the SABC for the previous Financial Year as well, as a result a BBEE level 8 was achieved for the current financial year.

At the B-BBEE Summit held in 2013, the study presented indicated that on average public entities achieve a B-BBEE contribution level 3 certificate, hence the SABC is lagging compared to other public entities.

Following the approval of the revised B-BBEE Codes of Good Practice, reconsideration towards Supplier and Enterprise Development is required. It is then imperative that the SABC devises strategies and adopts approaches to overcome the current challenges and achieve the targets as presented in the Codes of Good Practice and the SABC Enterprise Development Strategy.

3. CURRENT SABC PRACTICE

The SABC has engaged in a programme to support Small Micro Medium Enterprises that are within the ICT sector in all SABC areas of operation.

It has been identified that the status quo is not sustainable as there is a small number of business enterprises that the SABC can identify as having been empowered through any Enterprise Development initiatives that are showing growth in terms of financial turnover and improvement of operational processes.

According to the revised Codes of Good Practice that were approved in October 2013, the points scored for Enterprise and Supplier Development (ESD) are limited and sometimes cannot be quantified as total points for the ESD element. It was expected that the SABC's total score on the

Enterprise Development Element will have minimal effect on the overall score and as a result BBEE level 8 was achieved by the organization.

The SABC can guard against this by developing programs and initiatives that will benefit qualifying enterprises, thereby impacting the transformation of the country, and meeting the targets of the Sector where they are operating.

4. STRATEGIC AIMS

- The strategic aims of all ESD initiatives should be geared towards the achievement of SABC's strategic objectives: "A transformed and capacitated SABC by 2023 FY" which could be achieved by supporting qualifying enterprises become sustainable enterprises.
- The process of strategic planning enables one to address the change, control one's future, focus on goal-oriented processes and decisions, develop leadership, improve communication, keep the entrepreneurial flame alight, and get the buy in from various and relevant stakeholders.
- According to the BEE act, every organ of state and public entity must apply any relevant Code of Good practice in determining qualification criteria for developing and entering partnerships with other sectors with the main aim of supporting Broad Based Black Economic Empowerment initiatives.
- Promoting Economic Transformation to enable Black Owned companies to participate meaningfully in the economy and promoting investment programmes.
- To address growth and prosperity in South Africa's economy which was not realized to its full potential due to lack of meaningful participation by Black owned businesses in the economy and particularly in the ICT sector.

5. OBJECTIVES

- The objective of this programme is to assist Black SMMEs to meet SABC's stringent requirements by empowering and preparing them for SABC's procurement opportunities. This project is to further improve SMMEs performance and capacities within the SABC's supply chain.
- The SABC intends to achieve 40 weighting points for the ESD element as prescribed by the ICT Sector Council as it has become a priority element in terms of the revised Codes of Good Practice. Bearing in mind that failure to reach the sub-minimum will result in the discounting of one level.
- The SABC organizational culture is to be geared towards providing support to qualifying enterprises.
- The SABC needs to ensure that ESD forms part of contractual obligations with service providers. In instances whereby service providers are unable to subscribe to such an arrangement, due to the nature of the goods or services, such an agreement can be entered into between the service providers and their second-tier suppliers.

6. NEEDS OR GAP ANALYSIS

- As part of supporting Government objectives specifically BBBEE and Enterprise Development, SABC has embarked on a programme that is aimed at addressing SMME's shortfalls and obstacles that hinder them successfully bidding for SABC's procurement opportunities (SMMEs specifically owned by black people, youth, black women, and people living with disabilities). One of the obstacles the SABC identified was failure due to SMMEs lack of compliance and accreditation with Industry regulatory bodies.
- The SABC may invite suppliers to submit their business needs in a form of submission through advertising media, the governance committee appointed will assess such submissions. The SABC may identify Qualifying Enterprises that qualify for ESD initiatives on the database and proactively invite them to participate in such initiatives.
- The Unit (BEE section) has identified the need to further empower its suppliers (existing and the start-ups) on supply chain processes and opportunities that exist within the organization (SABC) and to further advise them on challenges that prevent them from benefiting from those opportunities, hence presentations on supplier forums were started to reach out to the Public/businesses.
- The long-term success of the relationship depends on its ability to create value for people it serves which in the government/state owned perception will be suppliers and start-ups these stated or implied needs, demands, request and expectations of internal and external stakeholders should guide the company, its staff, and organizations.
- BEE section has identified gap that existed between the company (SABC) and start up Suppliers.

7. SOME OF THOSE GAPS ARE AS FOLLOWS AND NOT LIMITED TO:

- Lack of knowledge on SCM processes by start-ups/Black Owned companies
- Advertising media platforms where opportunities are advertised were sometimes not known to every supplier.
- Developmental programmes provided by the organization to empower suppliers to access such opportunities were not seen by start-ups as not in place.
- Following up on challenges experienced when dealing with departments.
- Most of the top spenders in the organization composed of those companies that are not sometimes complying to the BBBEE regulations due to the uniqueness and technical requirements of that equipment or service.

8. BENEFITS OF CLOSING THE NEED GAP BY BIDDING COMMUNITIES ARE AS FOLLOWS:

- Develop new services and new products that can derive the competitive advantage.
- Performance monitoring of suppliers will be easier to manage.
- Create the reliability and the long-term source of supply

- Better opportunities for improvement for both supplier and the organization.
- Prioritizes capability development and supplier investment.
- Creates additional tender opportunities and income generation.
- Enables the development of long-term relationship
- Create opportunities for joint venture/subcontracting.
- Gives insight into customer organization's business needs.

9. DESCRIPTION OF WORK/SPECIFICATION

9.1 OBJECTIVES

The SABC intends to source a service provider that will render enterprise and supplier development implementation.

Enterprise and Supplier Development is one of the most effective ways of stimulating economic growth, transformation, and the creation of jobs in our communities. This is not a South African concept, but rather a global movement that has proven its ability to stimulate economies, diversify supply chains and create jobs.

9.2 CONTRACT DURATION

The contract is for the period of one year subject to a performance agreement to be entered into between the service provider and the employer.

9.3 SCOPE OF WORK

The SABC intends to appoint a service provider who will provide enterprise and supplier development as an output of an ESD strategy. This will assist in the development of SMME's, job creation and stimulate economy throughout its location with the intention to obtain quantifiable and measurable results that will lead to business benefits.

The purpose of the incubation programme is to achieve the following:

- Increase the use of local resources and emerging contractors
- Promote growth and ensure sustainable SMME's across All Provinces
- Contribute to socio-economic transformation
- Create job opportunities
- Promote skills development and transfer of skills (ICT skills)
- Cost reduction that helps to maintain the supplier's and employer's profit margin
- Improved lead-times and/or delivery reliability through strengthened competitive advantage
- Improved product or service functionality or performance and possibly new products or services
- Improving environmental performance and sustainability within the supply chain

The service provider will be required to provide the following deliverables in conjunction with SABC's vision; mission and objectives while complying with Sector Code which is ICT in case of SABC.

- Assessment of the needs of the SABC through the review of the current ways the business is conducted, taking into consideration the availability of technical expertise, materials, suppliers, and costs.
- Develop a comprehensive ESD delivery plan based on assessments to address the gaps identified i.e., training, lack of black owned companies in the ICT spends.
- Deliver a monitoring and evaluation approach for the duration of the contract which will include assessing the overall progress of the beneficiaries, provision of assistance and risk mitigation
- Provide legislative and quality assurance assistance to the beneficiaries.
- Provide mentoring and coaching to beneficiaries. These may include administration of HR processes, payroll, tendering, financial management etc.
- Assist with the selection of beneficiaries by sitting in the selection committee
- Expected, on ad hoc basis to attend ESD progress meetings
- Develop detailed specifications for all infrastructure, goods and services required, budgets, procurement plans and standardized contracts using financial modelling tools.
- Provide an administration approach of the project.
- Submit monthly reports on the progress of the project.
- Organise monthly engagement and update sessions with the SABC project lead
- The service provider is expected to have Equipment Resource Capacity i.e., office equipment; vehicles leased or owned; communication tools; printing facilities etc for the execution of this project

10. LEGISLATIVE AND REGULATORY IMPLICATIONS.

- The Broad-Based Black Economic Empowerment Act (BBBEE Act)
- The Preferential Procurement Policy Framework Act (PPPFA) and the Preferential Procurement Regulations, 2017
- The King IV Report on Corporate Governance for South Africa
- The Prevention and Combating of Corrupt Activities Act 12 of 2004 (PRECCA)
- Public –Private Partnerships (PPP)
- The Promotion of Access to Information Act, Act No 2 of 2000;
- The Promotion of Administrative Justice Act, Act No 3 of 2000;
- The National Small Enterprise Act, Act No 102 of 1996;
- The Protected Disclosures Act, Act No 26 of 2000;
- Companies Act;
- Close Corporations Act;

11. CONTRACT PERIOD

Twelve (12) Months.

12. COSTING

The quotation must reflect a detailed cost breakdown, and any indirect costs associated with the rendering of this service.

13. RFQ RESPONSE INFORMATION

Effective Date of Bid

Vendors should state in writing in its quotation to the SABC that all furnished information, including price, will remain valid and applicable for 90 days from the date the vendor quotation is received by the SABC.

14. EVALUATION CRITERIA

14.1 BBBEE and Price

- The RFQ responses will be evaluated on the 80/20-point system
- Responses received will be evaluated on Price and BBBEE Scorecard

14.2 Technical Evaluation

- The RFQ submission will be technically evaluated out of a maximum of 60.
- A threshold of 60 points out of 100 has been set.
- Bidder who obtains less than 60 points that will not be considered for the next phase of evaluation.

14.3 Objective Criteria

- The SABC further reserve the right not to award this RFQ to any bidder based on the proven poor record of accomplishment of the bidder in previous projects within the SABC.
- Bidders who are blacklisted or have committed other acts of fraud and misrepresentation of facts e.g., tax compliance, BBBEE, company financials, etc. will be eliminated from the bid process.

FIRST PHASE EVALUATION CRITERIA: PAPER BASED

| Evaluation Area | Evaluation Criteria | Max. Points | Min. Points |
|---|---|-------------|-------------|
| Reputation in the industry (based on experience). | <p>Previous experience of the company in providing incubation services over the last 5 years:</p> <ul style="list-style-type: none">• Greater than 5 years' experience 40• Between 3 to 5 years' experience 30• Between 1 to 3 years' experience 10 <p>Points will only be allocated if positive written references from the organization you have done partnerships with are submitted. Appointment letters are not accepted as references.</p> | 40 | 30 |

| | | | |
|---|--|------------|-----------|
| | Points will only be allocated if positive written references from the development programme recipients or completion certificates are submitted. References must indicate the start and completion dates. | | |
| Experience and Qualifications of a Project Manager | Experience of a Project Manager in managing similar projects: <ul style="list-style-type: none"> • Greater than 10 years' experience 30 • Between 5- and 10-years' experience 20 • Between 2- and 4-years' experience 10 Points will only be allocated if comprehensive CV is submitted | 30 | 20 |
| | The Project Manager qualifications in Commerce/Business Management/Project Management: <ul style="list-style-type: none"> Honour's Degree+ 30 Bachelors / BTech Degree 20 National Diploma 10 Points will only be allocated if certified copies of the qualifications are submitted | 30 | 10 |
| Total | | 100 | 60 |

15. ADJUDICATION USING A POINT SYSTEM

15.1 The bidder obtaining the highest number of total points will be awarded the contract

15.2 Preference points shall be calculated after process has been brought to a comparative basis taking into account all factors of non-firm prices.

15.3 In the event that two or more bids have scored equal points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.

15.4 However, when functionality is part of the evaluation process and two or more bids have scored equal points for B-BBEE, the successful bid must be the one scoring the highest score for functionality

15.5 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

16. POINTS AWARDED FOR PRICE

THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

BBEE PREFERENTIAL POINTS WILL BE AWARDED AS FOLLOWS:

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

10.1. Bidders who qualify as EME's in terms of the B-BBEE Act must submit a certificate issued by a verification Agency accredited by SANAS for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates or DTI Affidavit.

- 10.2. Bidders other than EMEs must submit their original and valid B-BBEE status levels verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a verification agency accredited by SANAS.
- 10.3. A trust, consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate
- 10.4. A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 10.5. Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 10.6. A tenderer will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intend sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended Sub-contractor is an EME that has the capacity and the ability to execute the sub-contract.
- 10.7. A tenderer awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capacity and the ability to execute the sub-contract.

17. COMMUNICATION

Respondents are warned that a response will be disqualified should any attempt be made by a tenderer either directly or indirectly to canvass any officer(s) or employees of SABC in respect of a RFQ, between the closing date and the date of the award of the business. **All enquiries relating to this RFQ should be emailed two days before the closing date.**

18. CONDITIONS TO BE OBSERVED WHEN TENDERING

12.1. The Corporation does not bind itself to accept the lowest or any tender, nor shall it be responsible for or pay any expenses or losses which may be incurred by the Tenderer in the preparation and delivery of his tender. The Corporation reserves the right to accept a separate tender or separate tenders for any one or more of the sections of a specification. The corporation also reserves the right to withdraw the tender at any stage.

12.2. No tender shall be deemed to have been accepted unless and until a formal

contract / letter of intent is prepared and executed.

12.3. The Corporation reserves the right to:

12.3.1 Not evaluate and award tenders that do not comply strictly with this tender document.

12.3.2 Make a selection solely on the information received in the tenders and

12.3.3 Enter into negotiations with any one or more of preferred Tenderer(s) based on the criteria specified in the evaluation of this tender.

12.3.4 Contact any Tenderer during the evaluation process, in order to clarify any information, without informing any other Tenderers. During the evaluation process, no change in the content of the tender shall be sought, offered or permitted.

12.3.5 Award a contract to one or more Tenderer(s).

12.3.6 Accept any tender in part or full at its own discretion.

12.3.7 Cancel this RFQ or any part thereof at any time.

12.3.8 Should Tenderer(s) be selected for further negotiations, they will be chosen on the basis of the greatest benefit to the Corporation and not necessarily on the basis of the lowest costs.

12.4 SABC shall not be liable for any loss or injuries or damages or death of the bidder representative while travelling for SABC auction business

19. COST OF BIDDING

The Tenderer shall bear all costs and expenses associated with preparation and submission of its tender or RFQ, and the Corporation shall under no circumstances be responsible or liable for any such costs, regardless of, without limitation, the conduct or outcome of the bidding, evaluation, and selection process.

20. PAYMENT TERMS

SABC will effect payment sixty (60) days after the service provider has submitted an invoice.

END OF RFQ DOCUMENT

Annexed to this document for completion and return with the document:

- Annexure A - Declaration of Interest
- Annexure B - Consortiums, Joint Ventures and Sub-Contracting Regulations
- Annexure C - Previous completed projects/Current Projects
- Annexure D - SBD 8 & 9 Forms

ANNEXURE A

CONSORTIUMS, JOINT VENTURES AND SUB-CONTRACTING REGULATIONS

1 CONSORTIUMS AND JOINT VENTURES

- 1.1 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 1.2 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate tender.

2 SUB-CONTRACTING

- 2.1 A tenderer will not be awarded points for B-BBEE status if it is indicated in the tender documents that such a tenderer intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points the tenderer qualifies for, unless the intended sub-contractor is an exempted micro enterprise that has the capacity and ability to execute the sub-contract.
- 2.2 A tenderer awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the tenderer concerned, unless the contract is sub-contracted to an exempted micro enterprise that has the capability and ability to execute the sub-contract.
- 2.3 A tenderer 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.

3 DECLARATION OF SUB-CONTRACTING

- 3.1 Will any portion of the contract be sub-contracted? YES / NO
- 3.2 If yes, indicate:
- 3.2.1 The percentage of the contract will be sub-contracted%
- 3.2.2 The name of the sub-contractor
- 3.2.3 The B-BBEE status level of the sub-contractor
- 3.2.4 whether the sub-contractor is an EME YES / NO

SIGNATURE OF DECLARANT

TENDER NUMBER

DATE

POSITION OF DECLARANT/NAME OF COMPANY OR TENDERER

ANNEXURE B

DECLARATION OF INTEREST

1. Any legal or natural person, excluding any permanent employee of SABC, may make an offer or offers in terms of this tender invitation. In view of possible allegations of favouritism, should the resulting tender, or part thereof be awarded to-

- (a) any person employed by the SABC in the capacity of Tenderer, consultant or service provider; or
- (b) any person who acts on behalf of SABC; or
- (c) any person having kinship, including a blood relationship, with a person employed by, or who acts on behalf of SABC; or
- (d) any legal person which is in any way connected to any person contemplated in paragraph (a), (b) or (c),

it is required that:

The Tenderer or his/her authorised representative shall declare his/her position *vis-à-vis* SABC and/or take an oath declaring his/her interest, where it is known that any such relationship exists between the Tenderer and a person employed by SABC in any capacity.

Does such a relationship exist? [YES/NO]

If YES, state particulars of all such relationships (if necessary, please add additional pages containing the required information):

| | | |
|-----------------------|-----|-------|
| | [1] | [2] |
| NAME | : | |
| POSITION | : | |
| OFFICE WHERE EMPLOYED | : | |
| TELEPHONE NUMBER | : | |
| RELATIONSHIP | : | |

- 2. Failure on the part of a Tenderer to fill in and/or sign this certificate may be interpreted to mean that an association as stipulated in paragraph 1, *supra*, exists.
- 3. In the event of a contract being awarded to a Tenderer with an association as stipulated in paragraph 1, *supra*, and it subsequently becomes known that false information was provided in response to the above question, SABC may, in addition to any other remedy it may have:
 - recover from the Tenderer all costs, losses or damages incurred or sustained by SABC as a result of the award of the contract; and/or
 - cancel the contract and claim any damages, which SABC may suffer by having to make less favourable arrangements after such cancellation.

SIGNATURE OF DECLARANT

TENDER NUMBER

DATE

POSITION OF DECLARANT

NAME OF COMPANY OR TENDERER

Previous completed projects (preferably provide a detailed company profile, detailed the below mentioned information)

| Project Descriptions | Client | Contact no | Contact person | Email address | Period of projects | Value of projects | Project Commence date | Completed date |
|-----------------------------|---------------|-------------------|-----------------------|----------------------|---------------------------|--------------------------|------------------------------|-----------------------|
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Current projects (preferably provide a detailed company profile, detailed the below mentioned information)

| Project Descriptions | Client | Contact no | Contact person | Email address | Period of projects | Value of projects | Project Commence date | Completion date |
|-----------------------------|---------------|-------------------|-----------------------|----------------------|---------------------------|--------------------------|------------------------------|------------------------|
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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.**

| 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 | <p>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?</p> | 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 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.

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Signature

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Date

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Position

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Name of Bidder

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