



*in the footprints* •••

NELSON MANDELA MUSEUM

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**26 February 2024**

**RFQ 4 of 2024: REQUEST FOR QUOTATION FOR THE APPOINTMENT OF  
PROFESSIONAL SERVICE PROVIDER FOR JOB EVALUATION AND GRADING OF 3  
POSITIONS AND WORK-STUDY FOR 28 JOBS**

**1. ASSIGNMENT OBJECTIVE**

The objective is to appoint a professional service provider to;

- Evaluate and grade three job roles using the Paterson Job Grading methodology. The key objectives include conducting comprehensive job role assessments, applying objective grading criteria, ensuring fairness and equity, engaging stakeholders, generating a detailed report with recommendations, complying with museum policies and legal regulations, executing the assignment within the established timeline, and maintaining confidentiality and data security. This process aims to establish a transparent and objective framework for assessing the relative worth of each job role within the museum.
- Conduct a work-study aimed at assessing additional work (Ingquza Hill Museum and O.R. Tambo Garden of remembrance) requirements and suggesting a compensation plan accordingly. Key objectives include evaluating current job roles, identifying additional tasks or responsibilities,

analysing workload impacts, recommending appropriate compensation adjustments, ensuring fairness and equity, engaging stakeholders for input, generating a comprehensive report with compensation plan suggestions, adhering to museum policies and legal regulations, executing the study within the established timeline, and maintaining confidentiality. This process aims to establish a fair and transparent compensation plan reflective of the workload and responsibilities.

## **2. BACKGROUND**

The Nelson Mandela Museum is a not-for-profit institution established by the government of South Africa as an agency of the National Department of Sport, Arts and Culture (DSAC). It was established as part of a portfolio of legacy projects that seek to transform the heritage landscape from our apartheid past.

The mandate of the Nelson Mandela Museum (NMM) is to preserve and promote the legacy of Nelson Mandela, and one of its main strategic goals is to improve the museum's public profile and access. This mandate is executed through the museum's two main facilities, the Qunu Youth and Heritage Centre and the Bhunga Building in Mthatha CBD. NMM has since signed Implementation Protocol which directs the museum to manage and monitor two additional link sites; that are OR Tambo Garden of Remembrance and Ingquza Hill Museum for a period of 3 years.

## **3. HUMAN RESOURCES MANAGEMENT BACKGROUND**

NMM has 28 employees, which are all currently stationed at both Bhunga Building and Qunu sites. As an organisation, the NMM needs to have jobs that are clearly evaluated and graded that will be aligned to the museum organogram and the overall strategy. The Human Resource Unit, which is under the museum Corporate Services Department, is responsible for the recruitment and staff wellness of museum employees. The unit aims to retain staff through continuous training, RFQ 4 of 2024 Job grading and work study

develop the skills capacity of all staff and ensure that such trained staff is retained by the museum. It also aims to harmonise relations between staff members and the management and ensures that a healthy working environment is created.

Secondly, the Museum, since its establishment, has undergone the process of Job Evaluation and Grading which was implemented in 2022/23 financial year.

#### **4. SCOPE OF WORK**

The NMM Human Resource Management function has a directive to drive organisational effectiveness, alignment, culture change, team, and individual performance, staff engagement, and communication, as well as focussing on recruitment & selection initiatives, moving away from being an administrative and transactional function to a strategic business partner role.

The project scope entails the following:

##### **4.1. Evaluation and Grading of 3 Jobs:**

###### **Phase 1: Paterson Grading Evaluation**

- Selection of Paterson Grading: Choose the Paterson Grading Method as the evaluation framework for assessing the three job roles.
- Customization of Criteria: Tailor the Paterson Grading criteria to align with the specific requirements and objectives of the Nelson Mandela Museum.
- Evaluation Process: Evaluate each job role against the Paterson Grading criteria, considering factors such as skills, qualifications, effort, responsibility, and working conditions.
- Grading Sessions: Conduct grading sessions with a panel of accredited Independent evaluators to ensure consistency and fairness in the evaluation process.

- Documentation: Document the evaluation process, including rationale for grading decisions and any adjustments made during the process.
- Benchmarking salaries ensuring accurate matching of positions to comparator roles and conduct a research survey to establish where NMM pays relative to State-Owned Entities
- Job Evaluation quality assurance processes & procedures

### **Phase 2: Preparation and Job Analysis**

- Initiation Meeting: Conduct initial meetings with key stakeholders to define project objectives, timelines, and expectations.
- Documentation Review: Gather existing job descriptions and relevant documentation for the three designated job roles.
- Stakeholder Engagement: Schedule and conduct interviews with job incumbents, supervisors and organised labour, to understand the responsibilities, skills, and qualifications required for each role.
- Job Analysis: Analyse gathered information to identify key competencies, responsibilities, and performance indicators for each job role.

### **Phase 3: Validation and Finalisation**

- Stakeholder Validation: Facilitate validation sessions with stakeholders, including HR Office, Unit Heads (HOD's), job incumbents and organised labour, to review and validate the grading outcomes.
- Addressing Feedback: Address any discrepancies or concerns raised during the validation sessions and make necessary adjustments to the grading outcomes.
- Final Grading: Finalise the grading for each job role based on the validated evaluation results.

#### **Phase 4: Reporting and Presentation**

- Report Compilation: Compile a comprehensive report summarising the evaluation process, findings, and final grading outcomes for each job role.
- Presentation Preparation: Prepare a presentation to communicate the evaluation results and recommendations to key stakeholders, including HR Office, Executive Managers and organised labour.
- Presentation Delivery: Deliver the presentation, facilitate discussions, and address any questions or concerns raised by stakeholders.

#### **Phase 5: Implementation Planning**

- Implementation Recommendations: Provide recommendations for any necessary adjustments to job roles, grading structures, or museum policies based on the evaluation outcomes.
- Action Plan: Develop an action plan outlining the steps and timelines for implementing the recommended changes.
- Monitoring and Evaluation: Establish mechanisms for monitoring and evaluating the effectiveness of the implemented changes over time.

#### **4.2 Conduct Work-study for additional function (for 28 Jobs)**

##### **Phase 1: Preparation and Data Collection**

- Select two additional link sites and 28 representative jobs.
- Collect data on job responsibilities, tasks, and time spent on each task.
- Conduct time and motion studies to analyse efficiency and productivity.

## **Phase 2: Analysis and Recommendations**

- Analyse collected data to identify areas for process improvement.
- Provide recommendations for optimising workflows and enhancing productivity.

## **Phase 3: Job Evaluation and Market Research**

- Evaluate selected jobs based on qualifications, skills, responsibilities, and market competitiveness.
- Conduct market research to benchmark compensation plans for additional functions.

## **Phase 4: Compensation Plan Development**

- Develop a comprehensive compensation structure aligned with museum goals.
- Determine possible incentives and/or allowance for compensation.

## **Phase 5: Reporting and Presentation**

- Compile detailed reports summarising the findings and recommendations.
- Present the findings and proposed compensation plan to key stakeholders.

### **4.3 PROJECT COMPLETION TIMELINES**

The service provider to be appointed must commence with the job grading process, before initiating the second phase of the project, then proceed with the job evaluation work study. The job grading process must be completed within four (4) weeks from the date of appointment.

## **5. CONFIDENTIALITY OF DOCUMENTS**

All produced documents and any other documentation of the assignment must be completed and handed over to Nelson Mandela Museum-they remain property of NMM.

## **6. REQUIRED EXPERTISE, QUALIFICATIONS, AND EXPERIENCE**

A service provider bidding for this assignment should demonstrate possession of the following required expertise, qualifications, and experience:

- Extensive experience in the Job Design and Data Analysis.
- Specialisation in Compensation and benefits
- Specialisation in Organisational Development
- Experience in Project Management
- Resource with the requisite expertise to execute the scope of work and registration with HR Professional body and any relevant professional body (E.g. Institute of People Management- IPM; South African Board of People Practices – SABPP, SARA, South African Rewards Association), GRP Certification (Global Remuneration Professional)
- Extensive knowledge of South African labour legislations and prescripts and any other relevant prescripts.
- Extensive knowledge of the Protection of Personal Information Act.

Service providers must reflect the above in the form of a proposal to execute the assignment detailed in this ToR with a clear and eloquent approach and methodology.

## 7. RETURNABLE DOCUMENTS

Service providers are required to submit all the returnable documents together with their proposal. ***Failure to provide all the Compulsory Returnable Documents at the closing date and time of this Request For Quotation will result in a respondent's disqualification. Respondents are therefore urged to ensure that all these Documents are returned with their Proposals. Failure to submit the Supporting documents for functionality scoring will result in a scoring of zero.***

### COMPULSORY RETURNABLE DOCUMENTS

- Duly signed & completed SBD 1 Invitation to BID
- SBD 2 Tax Clearance Requirements
- Duly signed and completed SBD 3.3 Pricing Schedule
- Duly signed and completed SBD 4 Declaration of Interests form.
- Duly signed and completed SBD 6.1 Preference points claim form
- Duly signed and completed SBD 7.2 Contract Form (Rendering Services).
- General Conditions of Contract
- Duly signed and completed SBD 8 Declaration of Bidder's Past Supply Chain Management Practices.
- Duly signed and completed Duly signed & completed SBD 9 Certificate of Independent Bid Determination.
- Proof of CSD registration
- The project team leader must have a valid
  - (a) GRP qualification or

(b) SARA certification in one of the following designations: Rewards Specialist, Chartered Reward Specialist, Master Reward Specialist.

**SUPPORTING RETURNABLE DOCUMENTS (FOR FUNCTIONALITY SCORING)**

- Reference Letters
- Expertise
- Project Plan & Methodology
- Proof of professional body registration

**ESSENTIAL RETURNABLE DOCUMENTS**

Specific goals verification documents listed on the applicable preference point system below must be submitted to the NMM on or before the closing date and time *(failure to submit on or before the closing date will result in an automatic score of zero for preference)*

**8. APPLICABLE PREFERENCE POINTS**

Points for this shall be awarded for:

- (a) Price; and
- (b) Specific Goals.
- (c) Where 80 points will be allocated for price and 20 points allocated specific goals

(1) The NMM will utilize the following preference criteria, captured on the table below: -

Category	Sub-categories	Specific goals points	Verification documents
Local Supplier	OR Tambo supplier	5	CIPC Registration Certificate (CK) or Proof of residence
	Eastern Cape Supplier	4	
	Anywhere in South Africa	3	
	Non-South African	0	
Women-owned supplier	Black African Women	4	CIPC Registration Certificate (CK) and CSD Report
	Non-Black African Women	2	
Youth Owned Supplier	Youth Owned (< 35-year-old persons)	4	CIPC Registration Certificate (CK) and CSD Report
	Non-Youth Ownership (> 35-year-old persons)	2	

People living with disabilities	3	People living with disabilities	3	CSD Report
Small Micro, Medium & Enterprises	4	SME – Owned by people with disability	4	CSD Report
		SME – Black owned	3	Sworn Affidavit (BBBEE Affidavit)

## 9. TIMEFRAMES

The appointed service provider will be expected to attend a detailed project briefing with the NMM soon after the appointment. Following the briefing, the service provider will be expected to produce a detailed work plan reflecting all the tasks necessary to complete the assignment and the corresponding timeframes (within four (4) weeks. The assignment period of the envisaged service provider will be in line with the required period to complete the implementation of the project.

The performance of the appointed service will be reviewed continuously based on the approved work plan of the service provider. Should performance be below the required standard according to the work plan, the contract may be terminated through written notification. Adequate opportunities to improve performance will be provided to the service provider through written notices of poor performance.

The Service Provider is to submit a close-out report in the format provided by the NMM and all other developed documentation 20 working days before the last day of the assignment.

On appointment, the Service Provider is to liaise with the NMM to agree on the date for submission of the work plan.

#### **10. ACCOUNTABILITY**

The service provider will be accountable to and under the direction of the NMM: CEO in the performance of the assigned duties.

#### **11. ASSIGNMENT COST**

Payment for the assignment will be in progress based on the agreed stages of development and delivery of the entire project. The envisaged stages of the project are shown in the table below:

<b>Stage</b>	<b>Description</b>
1	Project Inception
2	Data Collection and Analysis
3	Presentation and training on the developed documents
4	Submission of Closeout Report

A detailed pricing schedule inclusive of professional fees, disbursements, and VAT must be provided by the service provider.

## **12. EVALUATION CRITERIA**

The bid will be evaluated and adjudicated using the 80/20 system (80 for functionality and 20 for Specific Goals). Functionality will be scored at a maximum of 100 points whereby the bidder must obtain a minimum of **70 points** to qualify for the financial evaluation according to the following criteria

o the following criteria

Table 1 below shows the evaluation criteria to be used in evaluating the functionality of the bids.

Evaluation Criteria	Breakdown of points	Score
<b>1. Reference Letters</b>  The service provider must have at least four (4) signed reference letters on the recommending company's letterhead (not older than 3 years). The recommendation MUST be in the Job Design and Analysis, Job Evaluation and Grading, Remuneration and Reward Design, Job Profiling, Organisational Development, Project Management, Compensation and Benefits, Data Analysis.  <i>Submission of purchase orders or</i>	6 or more letters= 30 points  5 letters =25 points  4 letters=20 points  3 letters = 15 points  2 letters=10 points  1 letter =5 points	<b>30</b>

<p><b>appointment letters WILL NOT count.</b></p>	<p>No reference letter(s) or irrelevant letters submitted = 0 points</p>	
<p><b>2. Expertise</b></p> <p>CV and Qualification(s): The team leader must be in possession of a minimum of a relevant NQF level 7 Qualification in Human Resources Management, Job/Organisational Design or relevant.</p> <p>CV with a minimum of three (3) years' experience in Job Design and Analysis, Job Evaluation and Grading, Remuneration and Reward Design, Job Profiling, Organisational Development, Project Management, Compensation and Benefits, Data Analysis.</p> <p><b>Experience MUST be on Paterson Job Grading method.</b></p> <p>CV and Copy of Qualifications must be submitted. The service provider should make clear the relevant skills, experience, and capacity. The service provider must have adequate Experience and exposure</p>	<p><b>Experience</b></p> <ul style="list-style-type: none"> <li>▪ 3 or more years' experience = 10 points</li> <li>▪ 2 years' experience = 5 points</li> <li>▪ 1 years' experience = 3 points</li> <li>▪ Less than 1 year to 0 experience = 0 points</li> </ul> <p><b>Qualification</b></p> <ul style="list-style-type: none"> <li>▪ NQF level 7 and above = 10 points</li> <li>▪ NQF level 6 = 5 points</li> <li>▪ NQF level 5 = 3 points</li> <li>▪ NQF level 4 = 2 points</li> <li>▪ NQF level 3 and lower = 1 points</li> <li>▪ No qualification = 0</li> </ul>	<p><b>10</b></p> <p><b>10</b></p>

	points	
<p><b>3. Project Plan and Methodology</b></p> <p>Provide a project plan and methodology clearly articulating the stages of the required services and period of delivery with a project duration of two (2) months period. The service provider must explain the understanding of the objectives of this exercise, the approach, and the methodology for carrying out this exercise. The main activities of the exercise are the content and duration, phasing and interrelations, milestones, and delivery dates of the reports. The proposed work plan should be consistent with the approach and methodology.</p>	<ul style="list-style-type: none"> <li>▪ Excellent = 20 points</li> <li>▪ Good = 15 points</li> <li>▪ Poor = 10 points</li> <li>▪ None= 0 points</li> </ul>	<b>20</b>
<p><b>4. Professional Registration</b></p> <p>Registration with Human Resources Professional body (e.g. South African Board of People Practices – SABPP)</p>	<ul style="list-style-type: none"> <li>▪ Registered as Master HR Professional = 20 points</li> <li>▪ Registered as Chartered HR Professional = 18 points</li> </ul>	<b>20</b>

	<ul style="list-style-type: none"> <li>▪ Registered as HR Professional = 16 points</li> <li>▪ Registered as HR Associate = 12 points</li> <li>▪ Registered as HR Technician = 10 points</li> <li>▪ Registered as HR Candidate = 5 point</li> <li>▪ No Registration = 0 points</li> </ul>	
<b>TOTAL</b>	<b>100</b>	

## **1. RFQ DOCUMENT SUBMISSION**

- All quotations together with the compulsory and essential returnable documents must be forwarded to:  
**supplychain@nelsonmandelamuseum.org.za**
- Closing date for the submission of quotations is **8 March 2024 at 12h00**
- **NO FAXED OR HAND DELIVERED QUOTATIONS SHALL BE ACCEPTED**

## **2. DISCLAIMERS**

The NMM is not committed to any course of action as a result of its issuance of this RFQ and/or its receipt of a Proposal in response to it. Please note that the NMM reserves the right to:

- modify the RFQ's service(s) and request Respondents to re-quote on any changes;
- reject any Quotation which does not conform to instructions and specifications which are detailed herein;
- disqualify Quotations submitted after the stated submission deadline;
- not necessarily accept the lowest priced bid;

### 3. ENQUIRIES

All communications and enquiries/requests for clarification relating to this RFQ should be directed to the contact person:

FOR BID ADMINISTRATION & SERVICE PROVIDER SPECIFICATIONS	
<b>Ms M Mputa</b>	
<b>Email:</b> <a href="mailto:mihlali@nelsonmandelamuseum.org.za">mihlali@nelsonmandelamuseum.org.za</a>	
<b>Supply Chain Specialist</b>	
<i>Technical Enquiries:</i>	
<b>Mrs Y Khumelwana</b>	
<b>Email:</b> <a href="mailto:yoleka@nelsonmandelamuseum.org.za">yoleka@nelsonmandelamuseum.org.za</a>	
<b>HR Manager</b>	



**Vuyani Gweki Booi - CEO**





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SBD 1

**PART A  
INVITATION TO BID**

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE NELSON MANDELA MUSEUM**

BID NUMBER:	CLOSING DATE:	CLOSING TIME:
DESCRIPTION		

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

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

**CORNER NELSON MANDELA DRIVE & OWEN STREET**

**MTHATHA**

**EASTERN CAPE**

**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					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		<input type="checkbox"/> Yes
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?	<input type="checkbox"/> No				<input type="checkbox"/> No

AN ACCOUNTING OFFICER AS  
CONTEMPLATED IN THE CLOSE  
CORPORATION ACT (CCA) AND NAME  
THE APPLICABLE IN THE TICK BOX

- |                          |   |
|--------------------------|---|
| <input type="checkbox"/> | AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION<br>ACT (CCA)           |
| <input type="checkbox"/> | A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN<br>ACCREDITATION SYSTEM (SANAS) |
| <input type="checkbox"/> | A REGISTERED AUDITOR  |
|                          | NAME:   |

**[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?	<input type="checkbox"/> Yes [IF YES ENCLOSE PROOF]	<input type="checkbox"/> No	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes [IF YES ANSWER PART B:3 BELOW ]	<input type="checkbox"/> No
SIGNATURE OF BIDDER	.....		DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)					
TOTAL NUMBER OF ITEMS OFFERED				TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:			
DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON			
CONTACT PERSON		TELEPHONE NUMBER			
TELEPHONE NUMBER		FACSIMILE NUMBER			
FACSIMILE NUMBER		E-MAIL ADDRESS			
E-MAIL ADDRESS					

## 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 ONLINE
- 1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: ( BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
- 1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
- 1.5. 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 LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

### **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 VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / 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.

### **3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

- 3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  
 NO  YES
- 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?  
 NO  YES
- 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  
 NO  YES
- 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?  
 NO  YES

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

## TAX CLEARANCE CERTIFICATE REQUIREMENTS

**It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.**

- 1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).
- 6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za).



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**SBD 3.3**

**PRICING SCHEDULE**  
**(Professional Services)**

**NAME OF BIDDER:** .....

**BID NO.:** .....

**CLOSING TIME 12:00**

**CLOSING DATE.....**

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

<b>ITEM NO</b>	<b>DESCRIPTION</b>	<b>BID PRICE IN RSA CURRENCY **(ALL TAXES INCLUDED)</b>
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1. The accompanying information must be used for the formulation of proposals.
  2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.  
R.....
  3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND  
RATES APPLICABLE (CERTIFIED INVOICES MUST BE  
RENDERED IN TERMS HEREOF)

R R  
R R  
R R  
R R  
R R  
R R

## 5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

days ----- R -----

days \_\_\_\_\_ R \_\_\_\_\_

days ----- R -----

days \_\_\_\_\_ R \_\_\_\_\_

5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE	RATE	AMOUNT

TOTAL: R.....

\*\* "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

5.2 Other expenses, for example accommodation (specify, e.g. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE	RATE	AMOUNT

TOTAL: R.....

6. Period required for commencement with project after acceptance of bid

.....

7. Estimated man-days for completion of project

.....

8. Are the rates quoted firm for the full period of  
contract? \*YES/NO

9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.

.....

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.....

.....

\*[DELETE IF NOT APPLICABLE]

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181 Madiba Square, 590101, Nelson Mandela Park, Port Elizabeth, South Africa  
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For more information visit our website at [www.nmm.org.za](http://www.nmm.org.za)

## BIDDER'S DISCLOSURE

### 1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

### 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

---

<sup>1</sup> the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

**SBD4**

Full Name	Identity Number	Name of Institution	State

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....  
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....  
.....

### **3 DECLARATION**

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint

- venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 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.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

---

<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

Position

**SBD4**

Name of bidder



*in the footprints ...*

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**SBD 6.1**

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017**

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

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

**1. GENERAL CONDITIONS**

- 1.1 The following preference point systems are applicable to all bids:
  - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
  - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2 The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable;
- 1.3 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:

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	100

- 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:

80/20 or

90/10

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

Where

$P_s$  = Points scored for price of bid under consideration

Pt      =      Price of bid under consideration

P<sub>min</sub> = 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:

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

## 5. BID DECLARATION

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

## 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: . . . = .....(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)*

YES		NO	
-----	--	----	--

- 7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%.....
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

*(Tick applicable box)*

YES		NO	
-----	--	----	--

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

Designated Group: An EME or QSE which is at least 51% owned by:	EME	QSE
---	-----	-----

Black people			
Black people who are youth			
Black people who are women			
Black people with disabilities			
Black people living in rural or underdeveloped areas or townships			
Cooperative owned by black people			
Black people who are military veterans			
OR			
Any EME			
Any QSE			

**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 proprietor
- 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.

WITNESSES

1. ....  
2. ....

SIGNATURE(S) OF BIDDERS(S)

DATE: .....  
ADDRESS .....  
.....



*in the footprints ...*

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**SBD 7.2**

## **CONTRACT FORM - RENDERING OF SERVICES**

**THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.**

### **PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)**

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid .
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
  - (i) Bidding documents, viz
    - Invitation to bid;
    - Tax clearance certificate;
    - Pricing schedule(s);
    - Filled in task directive/proposal;
    - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
    - Declaration of interest;

- Declaration of bidder's past SCM practices;
  - Certificate of Independent Bid Determination;
  - Special Conditions of Contract;
- (ii) General Conditions of Contract; and
- (iii) Other (specify) \_\_\_\_\_
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

**WITNESSES**

1 .....  
2 .....

**SBD 7.2**

**CONTRACT FORM - RENDERING OF SERVICES**

**PART 2 (TO BE FILLED IN BY THE PURCHASER)**

1. I..... in my capacity as..... accept your bid under reference number .....dated.....for the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

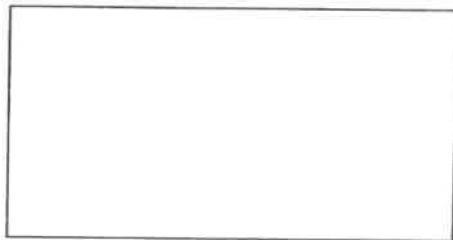
4. I confirm that I am duly authorised to sign this contract.

SIGNED AT .....ON.....

NAME (PRINT) .....

SIGNATURE .....

OFFICIAL STAMP



WITNESSES

1 .....

2



*in the footprints ...*

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**SBD 8**

**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? (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 (<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.</p>	<input type="checkbox"/>	<input type="checkbox"/>

4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?  <b>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.</b>	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



*in the footprints ...*

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**SBD 9**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> Collusive bidding is a *per 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

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

**SBD 9**

**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

**SBD 9**

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
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.

<sup>3</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

**SBD 9**

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