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**REQUEST FOR QUOTATION (RFQ)**

RFQ NUMBER:	RFQ/EDU/2022/21
TENDER ISSUE DATE	18 FEBRUARY 2022
NON-COMPLUSORY BRIEFING SESSION	N/A
RFQ DESCRIPTION	PROVISION OF OUTREACH PROGRAMME ON TOP ISSUES FACING YOUTH FOR SABC EDUCATION ON NINE (09) PROVINCES, WITH THREE (03) OUTREACH ACTIVATIONS PER PROVINCE AS ONCE OFF PROJECT.
CLOSING DATE & TIME	15 MARCH 2022 AT 12H00

**Submissions must be electronically emailed to [RFQSubmissions@sabc.co.za](mailto: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](mailto: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/EDU/2022/21 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.

## **REQUIRED DOCUMENTS**

- 1.1 Submit proof of CSD Registration
- 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 Submit Proof of Public Indemnity Cover for minimum of R10 000 000
- 1.9 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. BACKGROUND**

This business plan requests Procurement to assist with the Top Issues Facing Youth Today Workshops. The Workshops will take place in 9 provinces, with 3 outreach activations per province.

## **3. MOTIVATION**

### **“Top Issues Facing Youth Today”**

We are living in an explosive time and there are several social issues facing teens today that other generations didn't deal with. Technology is on the leading-edge and the rise of social media has contributed to a change in which youth interact with each other, learn, and receive information.

Pregnancy is at its rife amongst girls between the age of 9 – 21. A shocking Statistics South Africa report from 2020 shows that there were 34, 587 teenage pregnancies, of which 16 042 were aged 17 years while 688 were 10 years young and under. The Gauteng Department of Health show that more than 23,000 girls aged under 18 gave birth between April 2020 and March 2021.

### **Objectives:**

- To develop positive attitudes in the pupil's mind towards life
- To provide youth with meaningful opportunities to engage about perceptions of their social reality
- To create a climate that is conducive and safe for youth participation
- Awareness of SABC Education content and position the brand in the mind of viewers
- Ensuring the viewer loyalty to the brand

## **4. SCOPE OF WORK FOR SABC EDUCATION OUTREACH – TOP ISSUES FACING YOUTH TODAY WORKSHOPS.**

The workshops to be designed to be interactive and deliberating, addressing the following:

### **“Top Issues Facing Youth Today Topics”**

- Social Media
- Bullying
- Drug and Alcohol Abuse
- Pregnancy

- Violence in Schools
- Materialism
- Mental Health

#### KEY DELIVERABLES:

- Creative Strategy on the outreach Project - Plan and execute
- 9 Provinces x 3 activations per province = 27
- Attendees: teenagers and youth
- 150 people per outreach
- Professional Speakers x 4
- Motivational Speakers x 2
- Activation: venue, sound system, screen, projector, catering, promotional material, etc.
- Event Logistics (e.g., travel, accommodation, etc.)
- Covid-19 protocol observed

#### 5. PRICING SCHEDULE

9 Provinces x 3 outreach projects per province:

DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST
Venue: Hire, Tables, Chairs, Sound System, Screen, Projector	1	27		
Professional Speakers	3	27		
Motivational Speakers	2	27		
Travel Activation Team: Flights	3	7		
Travel Activation Team: Accommodation	3	54		
Travel Activation Team: Car Hire and petrol	1	54		
Travel Activation Team: S&T	3	54		
Recce: Flights, Accommodation, Car Hire	2	7		
Catering: Full Lunch for Learners and Teachers	150	27		
Golf Shirts: 180g Pique Knit Golfer with full colour logo embroidery	5000	1		
Bucket Hats: 100% brush cotton with full colour logo embroidery	5000	1		
Water Bottles: 750ml Aluminum with logo engraved	5000	1		
Eco Polka Dot Jute Shopper Bag 30x30x19 LxHxW, 36cm Handle full colour logo	5000	1		
Fabric Mask (3 Layer with 4 strings attached at the ends) No Elastic Hooks, full colour Logo	5000	1		
Memory Sticks x 16GB Wooden Sticks, full colour Logo	5000	1		
JBL Charge 4 Portable Bluetooth Speakers - Black with colour logo	60	1		
Event Management	1	27		
<b>TOTAL</b>				

#### 6. CONTRACT PERIOD

The duration of the contract- The contract will last for five (5) months at a fixed price.

#### 7. COSTING

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

## 8. 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.

## 9. EVALUATION CRITERIA

### 9.1 BBEE and Price

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

### 9.2 Technical Evaluation

- The RFQ submission will be technically evaluated out of a maximum of 100.
- A threshold of 70 points out of 100 has been set.
- Bidder who obtains less than 70 points that will not be considered for the next phase of evaluation.

### 9.3 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, BBEE, company financials, etc. will be eliminated from the bid process.

## SECOND PHASE EVALUATION CRITERIA: PAPER BASED

Evaluation Area	Evaluation Criteria	Max Points	Min Points
<b>Concept:</b>  Strategy: Outreach concept and creativity	<ul style="list-style-type: none"> <li>• <b>Outreach Concept Strategy: Creative and Innovative ideas. (50)</b>  <b>Scoring:</b> <ul style="list-style-type: none"> <li>○ Most creative strategy = 50</li> <li>○ General Creative strategy = 30</li> <li>○ Basic strategy = 15</li> <li>○ No strategy = 0</li> <li>○ <b>Note:</b> SABC Education will adopt the strategy and execute it</li> </ul> </li> </ul>	50	30
<b>Digital Social Media Support Strategy</b>	<ul style="list-style-type: none"> <li>• <b>Digital Social Media as a support system. Creative and Innovative ideas (30)</b>  <b>Suggested Strategy</b></li> </ul>	30	20

	<p><b>Scoring:</b></p> <ul style="list-style-type: none"> <li>○ Listing of 3 suggestions = <b>30</b></li> <li>○ Listing of 2 suggestions = <b>15</b></li> <li>○ Listing of 1 suggestion = <b>5</b></li> <li>○ Listing of no suggestion = <b>0</b></li> <li>○ <b>Note:</b> SABC Education will adopt the strategy and execute it</li> </ul>		
<b>Activities and Services</b>	<ul style="list-style-type: none"> <li>• Program Activities and what will the program do to achieve the purpose. <b>(10)</b></li> </ul> <p><b>Scoring:</b></p> <ul style="list-style-type: none"> <li>○ Listing of 3 suggestions = <b>10</b></li> <li>○ Listing of 2 suggestions = <b>5</b></li> <li>○ Listing of 1 or no suggestion = <b>0</b></li> </ul>	<b>10</b>	<b>5</b>
<b>Outcome</b>	<ul style="list-style-type: none"> <li>• Outcome effects of the program. <b>(10)</b></li> </ul> <p><b>Scoring:</b></p> <ul style="list-style-type: none"> <li>○ Listing of 3 suggestions = <b>10</b></li> <li>○ Listing of 2 suggestions = <b>5</b></li> <li>○ Listing of 1 or no suggestion = <b>0</b></li> </ul>	<b>10</b>	<b>5</b>
<b>Total</b>		<b>100</b>	<b>60</b>

## 10. ADJUDICATION USING A POINT SYSTEM

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

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

10.3. 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.

10.4. 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

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

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

11.1. 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.

11.2. 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.

11.3. 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

- 11.4. 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.
- 11.5. 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.
- 11.6. 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.
- 11.7. 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.

## **12. 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.**

## **13. CONDITIONS TO BE OBSERVED WHEN TENDERING**

- 13.1. 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.
- 13.2. No tender shall be deemed to have been accepted unless and until a formal contract / letter of intent is prepared and executed.
- 13.3. The Corporation reserves the right to:
- 13.3.1 Not evaluate and award tenders that do not comply strictly with this tender document.
  - 13.3.2 Make a selection solely on the information received in the tenders and

- 13.3.3 Enter into negotiations with any one or more of preferred Tenderer(s) based on the criteria specified in the evaluation of this tender.
- 13.3.4 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.
- 13.3.5 Award a contract to one or more Tenderer(s).
- 13.3.6 Accept any tender in part or full at its own discretion.
- 13.3.7 Cancel this RFQ or any part thereof at any time.
- 13.3.8 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.
- 13.4 SABC shall not be liable for any loss or injuries or damages or death of the bidder representative while travelling for SABC auction business

#### **14. 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.

**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

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<b>SIGNATURE OF DECLARANT</b>	<b>TENDER NUMBER</b>	<b>DATE</b>
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**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.

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**SIGNATURE OF DECLARANT**

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**TENDER NUMBER**

---

**DATE**

---

**POSITION OF DECLARANT**

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**NAME OF COMPANY OR TENDERER**

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

<b>Project Descriptions</b>	<b>Client</b>	<b>Contact no</b>	<b>Contact person</b>	<b>Email address</b>	<b>Period of projects</b>	<b>Value of projects</b>	<b>Project Commence date</b>	<b>Completed date</b>

**Current projects (preferably provide a detailed company profile, detailed the below mentioned information)**

<b>Project Descriptions</b>	<b>Client</b>	<b>Contact no</b>	<b>Contact person</b>	<b>Email address</b>	<b>Period of projects</b>	<b>Value of projects</b>	<b>Project Commence date</b>	<b>Completion date</b>

**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	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? <b>(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).</b>  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.	Yes <input type="checkbox"/>	No <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

**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 *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:

**<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.**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

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(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 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.**

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

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