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### REQUEST FOR QUOTATION

#### SMME COMPLIANCE SUPPORT PROGRAM – TO ASSIST WITH REGULATORY CERTIFICATION FOR SMMES AND ARTISANS ON THE ATLANTIS SPECIAL ECONOMIC ZONE SMME DATABASE

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE ASEZ					
BID NUMBER:	RFQ 003/2022/IES	CLOSING DATE:	20 June 2022	CLOSING TIME:	17h00
DESCRIPTION	Provide the basic training and practical assistance to SMMEs (Small, Medium & Micro Enterprises), Emerging Enterprises, and artisans on an individualised basis to ensure that all the enterprises on the Atlantis Special Economic Zone SMME data base are compliant with sector regulations to take up tenders from the private and public sector by August 2022, especially but not exclusively pertaining to enterprises in the construction sector.				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
Due to Covid19, no bids will be allowed to be hand delivered. All bids / RFQs must be emailed to the email address provided.					
BRIEFING SESSION		YES	COMPULSORY	No	
BRIEFING SESSION DETAILS		An online briefing session will be held on 8 <sup>th</sup> of June at 11:00am. Please RSVP on <a href="mailto:skills@atlantissez.co.za">skills@atlantissez.co.za</a> for attendance.			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Rayyan Arnold		CONTACT PERSON	Ursula Wellman	
TELEPHONE NUMBER	087 183 7010 *please note that staff work rotationally which could result in unanswered calls		TELEPHONE NUMBER	082 849 3166	
E-MAIL ADDRESS	rayyan@atlantissez.co.za		E-MAIL ADDRESS	ursula@atlantissez.co.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					

SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:	OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] Yes      No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] Yes      No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>				
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	Yes/ No [IF YES ENCLOSURE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR <b>THE GOODS /SERVICES /WORKS OFFERED?</b>	Yes/ No [IF YES, ANSWER PART B:3 ]	
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>				
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES/NO				
DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES/NO				
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES/NO				
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES/NO				
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES/NO				
<b>IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.</b>				

#### **1. BID SUBMISSION:**

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. **THIS BID IS NOT EXPECTED TO EXCEED R500 000 INCLUDING VAT FOR THE DURATION OF THE CONTRACT**
- 1.4. **PRICE(S) QUOTED MUST BE FIRM AND MUST BE INCLUSIVE OF VAT.**
- 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 SPECIAL CONDITIONS OF CONTRACT.**
- 1.6. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM(SBD7).**

#### **2. TAX COMPLIANCE REQUIREMENTS**

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE.”

## **1. INTRODUCTION**

The Atlantis Special Economic Zone (ASEZ) was officially designated in October 2018. The success of the ASEZ rests on strong collaboration across the public and private sector spectrum. The promulgation of the ASEZ was enabled through collaboration between the Department of Trade and Industry and Competition (DTIC) and Western Cape Government (WCG)'s Department of Economic Development and Tourism (DEDAT), Wesgro and the City of Cape Town (CoCT).

The ASEZ is a keystone initiative that sits within the country's broader green economy industrial development strategy. It thus both supports and draws on these initiatives. Ultimately, Atlantis needs to operate as a viable industrial hub within a thriving green economy and contributing to green technology industrialization and job creation in South Africa. It is an important development intervention tool to unlock green industrial development, manufacturing, employment, technology development, enterprise development and skills development, amongst other opportunities expressed in the green sector strategies, policies and plans of government.

The ASEZ itself is currently greenfield sites, separated into three separate zones. The ASEZ Company (ASEZCo) has recently received the DTIC funding to begin building the civil works for Zone 1. This will entail the construction of roads, pavements, sidewalks, lighting, security infrastructure, water and electricity systems, internet cable laying, etc. Additional services are required for the construction SMMEs. The construction will be designed and completed to adhere to the ASEZ's twin principles of ecological sustainability and social inclusivity.

To benefit from these market opportunities and submit tender applications for this work, local SMMEs need to be properly registered and compliant with all the relevant certifications in their sector.

By way of example, SMMEs might need to be compliant with some of the following, non-exhaustive, list:

1. CIPC Documents
2. Tax Clearance Certificate
3. BBBEE Certificate
4. Office Number or Cell Number

5. Proof of utility bill/letter from ward Cllr/police affidavit
6. CIDB Grading (if working in Construction and CIDB registered)
7. If registered on the Central Supplier Database (CSD), the full report
8. Bank confirmation letter
9. Company profile (if available)
10. Halaal certificate (for catering)
11. Certificate of acceptability for food premises (for catering)
12. For artisans who are not registered, a SARS tax number/certificate, proof of training and artisan certification
13. Letters of Good Standing and Workman Compensations from the Department of Labour

The ASEZCo's Integrated Ecosystem (IES) Unit was established in 2019 to maximize local community integration within skills and enterprise development opportunities, as the ASEZCO facilitates the roll out of green industrial development in the Green Economy. The team applies principles of systems thinking to identify and address deeply rooted socio-economic challenges in a complex community environment and to support expansion of community assets and adaptive systems.

In 2019 the ASEZCO commissioned a skills and enterprise development audit of the Greater Atlantis Area. The finding of this audit report has informed the basis of enterprise development initiatives. Enterprise Development initiatives hosted by the ASEZCO are geared to unlock and grow opportunities for Atlantis SMMEs and businesses. This includes identifying business opportunities within the supply chains of larger industrialists, as well as linkages to markets outside the SEZ area and Atlantis and integrating small businesses to be included in these opportunities.

The IES Unit has developed a database of businesses, focused on local SMMEs, emerging enterprises, and artisans operating in a range of sectors. A critical focus is on local construction and supplier businesses for these to support the imminent construction and build phase of the ASEZCO's infrastructure projects. To date this process has included adverts placed in all local newspapers in English, Afrikaans and IsiXhosa. The call for registration on the database has been shared on radio slots, during open days, part of the dedicated SMME drive and through regular engagements with local business chambers. These efforts have included regular telephonic follow-ups to ensure email addresses are updated and that all contact details are current.

As stated above, while this data set continues to grow, less than 50% are adequately certified to take up tender opportunities.

## 2. SPECIFICATION

### Scope of work

- Provide the ASEZ Company with information on business registration (e.g. CIPC) and relevant sector requirements, including costs of registrations.
- Review of ASEZCo's SMME database and analysis of the landscape: sectors, registration levels etc.
- Provide basic workshops on business registration, compliance, association certification requirements e.g. Dep. of Labour, SARS, CIDB grading and costs; business finance, budgeting and tax; business administration; Each enterprise should be provided with a take-home guideline document in the proposed workshops detailing the relevant websites and physical locations involved in registration.
- Aid each SMME (up to 100 SMMEs and emerging enterprises who are *already* CIPC registered) on an individual basis to ascertain all the relevant documents and certifications to be officially considered in any tender process for work in their sector. Here, the service provider will include the costs of certification in their proposal.
- A room will be made available for these planned consultations to take place in the Atlantis Office in the Atlantis Foundries.

## 3. EVALUATION CRITERIA

### 1. Administrative evaluation

- a. This RFQ must be completed and signed.
- b. A valid CSD report must be accompanied as a supporting document
- c. A valid BEE certificate or BEE affidavit must be accompanied as a supporting document
- d. Any supporting documentation required.

### 2. Technical Evaluation

- a. Bidders must meet the below criteria as a GO in order to qualify for financial evaluation.
- b. Bidders should also achieve a minimum score of 80 points to be evaluated on pricing and BBBEE. The bidder must provide proof to support the relevant criteria stipulated below to qualify for the points. Should the bidder fail to provide proof, they will score zero points for that section.

<b>EVALUATION CRITERIA FOR EVALUATING BIDDERS RESPONSES</b>				
	<b>Selection Element (examples)</b>	<b>Maximum</b>	<b>Go / No Go</b>	
1	Company Profile – Bidder to provide a profile detailing the company's experience where work similar to the specifications in this RFQ has been executed. This must consist of 3 reasons why they should be the chosen bidder and 3 examples of past enterprise certification and development programs.	33.3	Go	No Go
2	Contactable References – Bidder to provide 2 references for work done with a similar scope of work has been executed	33.3	Go	No Go
3	Approach – Bidder to write up a plan of activities to address the RFQ. This should consist of a detailed breakdown of your activities, with associated allocation of time, costs (including costs of 100 SMMEs being fully certified) and deliverables.	33.3	Go	No Go

**3. PRICING SCHEDULE – FIRM PRICES (PURCHASES)**

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

OFFER TO BE VALID FOR 60 DAYS FROM THE CLOSING DATE OF BID.

ALL DELIVERY COSTS MUST BE INCLUDED IN THE BID PRICE, FOR DELIVERY AT THE PRESCRIBED DESTINATION.

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

No	Description	Quantity	Price including Vat
1			
2			
3			
4			
5			
6		Total including vat	

The total estimated cost of the contract will not exceed R 1 00 000.00 (**One Million Rand**) including VAT and all disbursement. This does not mean that costs must be inflated to come in below the above threshold, this amount is a guide that differentiates procurement method thresholds.

**Please append an official quotation on your company letterhead as well.**

COMPANY STAMP

**4. DECLARATION OF INTEREST**

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
  - the bidder is employed by the state; and/or
  - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.
2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**
  - 2.1 Full Name of bidder or his or her representative: .....
  - 2.2 Identity Number: .....
  - 2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....
  - 2.4 Company Registration Number: .....
  - 2.5 Tax Reference Number: .....
  - 2.6 VAT Registration Number: .....
  - 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

<sup>1</sup>“State” means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

<sup>2</sup>”Shareholder” means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

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

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: .....

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

Position occupied in the state institution: .....

Any other particulars:

.....

.....

.....

2.7.2 If you are presently employed by the state, did you obtain **YES / NO**  
the appropriate authority to undertake remunerative

work outside employment in the public sector?

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES / NO**

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

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

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

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

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

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.

.....  
.....

.....

2.10 Are you, or any person connected with the bidder, **YES/NO**  
aware of any relationship (family, friend, other) between  
any other bidder and any person employed by the state  
who may be involved with the evaluation and or adjudication  
of this bid?

2.10.1 If so, furnish particulars.

.....

.....

.....

2.11 Do you or any of the directors / trustees / shareholders / members **YES/NO**  
of the company have any interest in any other related companies  
whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:

.....

.....

.....

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

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


#### **4 DECLARATION**

I, THE UNDERSIGNED (NAME).....

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

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

.....

Signature

.....

Date

.....

Position

.....

Name of bidder

**5. 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 .....

**6. CONTRACT FORM - RENDERING OF SERVICES**

**PART 2 (TO BE FILLED IN BY (ASEZ)**

1. I.....in my capacity as.....Accept your bid under reference number .....date.....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.

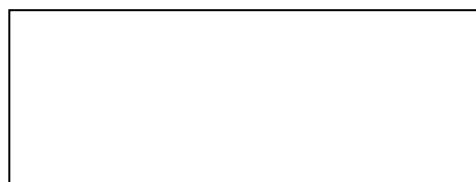
DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

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

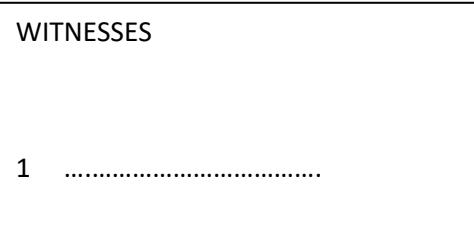
SIGNED AT .....ON.....

NAME (PRINT) .....

SIGNATURE .....



WITNESSES

1 .....  


**7. 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><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></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	<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><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></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.4.1	If so, furnish particulars:
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**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**

### **8. 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.

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.
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.

<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.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

## 9. NATIONAL TREASURY GENERAL CONDITIONS OF CONTRACT (NT GCC)

### NATIONAL TREASURY GENERAL CONDITIONS OF CONTRACT (NT GCC)

\*Please refer to the website of the National Treasury for the general conditions of contract

<http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/General%20Conditions%20of%20Contract-%20Inclusion%20of%20par%2034%20CIBD.pdf>

I confirm that I have read and understand the conditions set out in the above link in terms of the General Conditions of Contract and am duly authorized to sign this contract.

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

NAME (PRINT) .....

SIGNATURE .....

WITNESSES

3 .....