

**REQUEST FOR QUOTATION**  
**ATLANTIS INDUSTRIAL AREA SECURITY RISK ASSESSMENT AND PLAN FOR THE ASEZ**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE ASEZ					
BID NUMBER:	RFQ 009/2021/IP	CLOSING DATE:	3 September 2021	CLOSING TIME:	17h00
DESCRIPTION	APPOINTMENT OF SERVICE PROVIDER TO PROVIDE ATLANTIS INDUSTRIAL AREA SECURITY RISK ASSESSMENT AND PLAN				
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.					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Rayyan Arnold		CONTACT PERSON	Pierre Voges	
TELEPHONE NUMBER	087 183 7010 <i>*please note that staff work rotationally which could result in unanswered calls</i>		TELEPHONE NUMBER	+27 083 309 0351	
E-MAIL ADDRESS	rayyan@atlantissez.co.za		E-MAIL ADDRESS	pierre@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
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**[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?	Yes/ No  [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR <b>THE GOODS /SERVICES /WORKS OFFERED?</b>	Yes/ No  [IF YES, ANSWER PART B:3 ]
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**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES/NO  
DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES/NO  
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES/NO  
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES/NO  
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES/NO  
**IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.**

**1. BID SUBMISSION:**

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. **THIS BID IS 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). Initially inspired by the City of Cape Town's Green Technology Manufacturing Hub, these parties are working together to facilitate the development of the SEZ in Atlantis.

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.

## 2. SPECIFICATION

### 1. BACKGROUND

- 1.1. The Atlantis Industrial node is an 8.5 square kilometre industrial node 40 km outside Cape Town. It accommodates 207 properties, of which 35 are vacant (e.g., power stations, servitudes, vacant City of Cape Town land) and 120 manufacturing plants. Adjacent to the industrial node is a residential node with around 40 000 residents.
- 1.2. Atlantis is classic example apartheid spatial planning as it was initiated in the sixties and seventies with the objective of relocating people of colour to the area. An industrial manufacturing node was planned and developed with a range of subsidies and incentives offered by the then South African government. The initiative was initially successful, but due to the fact that it was the outcome of politically driven spatial planning, the industrial node experienced a downturn in the nineties with the termination of the bulk of the incentives and the unsustainability of apartheid based spatial planning. Over the past ten years Atlantis has re-emerged as an industrial enclave due to the lack of affordable industrial land in the Cape Town Metropole, the excellent infrastructure in and around Atlantis, the access to two world class ports and the proclamation of the Atlantis Special Economic Zone (ASEZ).
- 1.3. The ASEZ, a Greentech development SEZ, includes 118 hectares land. Of these 25 hectares are already developed, whereas 93 hectares of greenfield land is now on the development radar. The 93 hectares of land is being acquired from the City of Cape Town and in the process the latter will become a minority shareholder in the ASEZ Company.
- 1.4 The Atlantis SEZ was identified as a strong manufacturing node in Atlantis and the Western Cape, with Greentech a key emerging sector for the Western Cape and for South Africa.
- 1.5 The Atlantis industrial community is relatively well-organized in an Atlantis Industrial Initiative and several workstreams (e.g., energy, water, etc.) are working on key areas to ensure that the area becomes more attractive for investment purposes.
- 1.6 One of these key initiatives is the establishment of a formal Central Improvement District (CID), an entity with the industrial owners as members. Through the payment of a levy business improvement initiatives can be supported and funded, such as security and additional cleansing. The CID will most likely see the light within the next 18 months as it needs to be established through a transparent consultation process, an election process to secure a 50 plus one membership support of the concept, the setting up of a separate CID entity and the approval of a CID Business Plan by the City of Cape Town.
- 1.7 The recent social unrest in Gauteng and KwaZulu-Natal has clearly shown that businesses in general were ill prepared for such a well-coordinated social unrest onslaught.
- 1.8 Industrialists and property owners in the industrial node of Atlantis are very concerned that they are collectively (irrespective of individual factory security plans) ill-prepared for any immediate and medium-term social unrest.
- 1.9 It was resolved by a smaller group of industrialists (of which the ASEZ Co is part) that a collective Security Risk Assessment and Plan must be developed to ensure that the Atlantis Industrial node is

prepared for any social unrest. It was further resolved that such a plan must be prepared in consultation with all stakeholders, including local ward committees.

## 2. SCOPE OF WORK:

The following components need to be **investigated**:

- Similar risk assessment and security plans implemented in other industrial parks in the Western Cape and a subsequent benchmarking assessment (covering aspects such as organisational structure, costs, focus areas, oversight and so forth)
- The individual security plans of some of the bigger industrial establishments in Atlantis
- Social unrest prevention plans of the South African Police Services in Atlantis, any associated forms and an understanding of how the various spheres of government work together on security related matters
- An assessment of the plans of some of the bigger security companies operating in Atlantis
- This assessment should identify good practice in general, and then, specific to Atlantis, identification of what is working well, areas that could be improved and any obvious gaps.
- Recommended insurance cover and nature of such insurance

### 2.1. Methodology

Face to face interviews with the bigger industrialists in Atlantis to analyse their individual security plans to prevent or mitigate social unrest.

- Face to face interview with the SAPS in Atlantis and members of the Atlantis Security Cluster.
- Face to face interviews with senior members of the main security companies in Atlantis.
- A session with the District Council, Ward Councillors and the Atlantis SEZ Community Stakeholder Network (CSN) (an elected community forum set up by the Atlantis SEZ Company through an election process in different community sectors, e.g., business, educational facilities, faith-based organizations, etc.)
- Face to face interview with the Atlantis Business Chambers and other community-based organizations, such as the Rotarians
- A desktop or other assessment of the security plans of other large industrial holdings in Cape Town. A review of the security organisation and plans of one of the existing CIDs in the City of Cape Town would be valuable.

### 2.2. Desired Outcomes

#### 2.2.1. Short term:

The first part of the work is a security assessment of the industrial area.

The outcome of the security assessment will feed into the second part of the work, which is a Security Plan for the industrial area. The focus on work must consider the elements of a practical, collective Security Plan that needs to be sanctioned by all the manufacturing establishments in Atlantis. The list of aspects outlined below is not comprehensive and should be treated as a guide of aspects to be dealt with.

- A complete security risk assessment
- An extensive report of public participation processes followed
- An overall SWOT analysis of present security in the area
- An assessment of the environmental, social and governance aspects that need to be attended to implement the Security Plan
- Identification of a platform to operate from in the short term (in the absence of a CID)
- Alternative access routes
- Identification of hotspots
- Identification of high-risk businesses, e.g., chemical depots, etc. (list and rank in terms of risk profile)
- Identification of safe muster points
- Identification of transport resources
- Identification of neighbourhood catch mobilization and resources
- With the above in mind, a security plan that will address short term needs
- The recommendation of an effective security plan implementation platform/entity

#### **2.2.2. Long term**

- Longer term Security Plan elements that could be implemented by a future established BID. They may include:
  - An Operations room
  - CCTV
  - Physical security
  - Fencing of hotspots
  - Community structure involvement
  - A security cluster (with members and their roles, such as business, SAPS (local, provincially, and nationally, National Intelligence, community structures)
- Any further work that needs to be investigated from a longer-term Security Plan point of view
- The recommendation of an effective security plan implementation platform/entity.

### **2.3. Public Involvement**

The Applicant will be responsible for carrying out a proper market assessment which will include extensive interviews and consultation with relevant stakeholders as indicated above. Stakeholders will inter alia include a core group of industrialists (i.e. members of the Atlantis Industrial Initiative), community organizations, such as the CSN and the Atlantis Business Chamber, the South African Police Services, Ward Councillors, the Sub-Council, the City of Cape Town Investment Facilitation Office in Atlantis, the Atlantis SEZ Company.

## **3. DELIVERABLES**

- 3.1. To carry out a detailed study that entails these aspects to determine a short-term plan that is not only based on cost, but on a collective cooperation effort between the parties listed in this Terms of Reference
- 3.2. A comprehensive report documenting the process must include strong implementation actions that are not only cost related, but cooperative effort related.
- 3.3. The work to be undertaken will be in conjunction with representatives from the ASEZ Co, Industrialists, CoCT, SAPS, community forums and other relevant parties.

3.4. Regular briefings and progress meetings must be held with the Steering Committee (consisting of the parties in 4.3.5) as the project progresses.

### 3.5. **Written Report**

3.5.1. A detailed written report shall be submitted and summarized in a PowerPoint presentation. Editable electronic copies must be provided.

3.5.2. The report shall provide a succinct summary of findings and recommendations – details shall be in the form of annexures to the final report.

3.5.3. All data sheets and data collected through the interviewing/consultation process must be provided in excel format. The outcome will be the intellectual property of the Atlantis SEZ Company)

### 3.6. **Final Submission**

3.6.1. The final submission shall be in written format.

3.6.2. Final submissions shall be made in both hard copy format as well as in electronic format for presentations to the Steering Committee with text in Microsoft Word and Power Point.

## 4. **REQUIREMENTS SUMMARY**

4.1. Bidders are required to compile a proposal following the details outlined on this RFQ.

4.2. The comprehensive proposal must include but not limited to the following:

4.2.1. CV of project lead. Project Lead must prove relevant experience to the requirements

4.2.2. CVs of personnel working on the project,

4.2.3. Company profile with proven track record and portfolio of previous work done.

## 5. **CONTRACT DURATION**

5.1. It is anticipated that the duration of the project will be a maximum of 2 months from the date of appointment. Any extension of time shall be fully motivated.

5.2. The successful Applicant will be required to prepare a detailed project programme in a chart format, demonstrating the incremental steps followed, and this shall be submitted to the ASEZ Company for approval, based on the broad outlines given in this document.

**ALSO NOTE THAT WILL BE MADE AVAILABLE TO THE SUCCESSFUL BIDDER IN ORDER TO DRAW ATTENTION TO DUE DILLIGENCE.**

**NB:** ASEZ reserves the right to change this duration with due notice or in line with its targets. The supplier can request an extension on condition that a valid reason has been provided.

### 3 EVALUATION CRITERIA

#### 1. EVALUATION CRITERIA

##### 1.1 Evaluation Process

1.1.1. The bid will be evaluated in terms of the evaluation criteria stipulated in the tender documentation.

1.1.2. This bid will be evaluated in terms of the following stages:

- a) Prequalification criteria
- b) Evaluation for mandatory (compliance) criteria
- c) Evaluation in terms of local production and content if applicable
- d) Evaluation in terms of functionality/technicality if applicable
- e) Evaluation in terms of 80/20 preference point system

#### 2. EVALUATION PROCESS:

- The bid will be evaluated in accordance with the following Compliance (part A) and Functionality (part B) criteria:

##### A. COMPLIANCE REQUIREMENTS

A. Compliance Requirements – all documents to be submitted	Compliance Status
<b>1. CSD Registration</b>	
<ul style="list-style-type: none"> <li>a) Supplier active status</li> <li>b) Supplier not restricted</li> <li>c) Active tax status (NB: award cannot be made to the bidder whose tax matters are not in order)</li> <li>d) SARS on-line tax status verification</li> </ul>	Info provided will be validated during evaluation stage & failure to meet CSD requirements & Tax Status will lead to disqualification
<b>2. Certified Documentations Required</b>	
<ul style="list-style-type: none"> <li>➤ Certified copy of a BBBEE certificate issued by a verification agency accredited by SANAS or a sworn affidavit signed by the EME representative &amp; certified by a Commissioner of Oaths as per DTI requirement for exempted EME's or QSE's</li> </ul>	Invalid certificates will not be recognised
<ul style="list-style-type: none"> <li>➤ Confirmation of Banking details.</li> </ul>	Bank Stamped Letter

**B. FUNCTIONALITY AND CAPABILITY REQUIREMENTS**

**Table 1: Quality of submission in addressing criteria and sub-criteria**

<b>FUNCTIONALITY &amp; CAPABILITIES</b>	<b>Maximum</b>	<b>Score</b>	<b>Minimum</b>
<i><b>NB:</b> The bidder should achieve a minimum score of 60 points under functionality to be able to be evaluated further on pricing &amp; BBEE as per preferential system.</i>	<b>100</b>		
<b>1. BIDDER'S EXPERIENCE WITH RESPECT TO SPECIFIC ASPECTS OF THE PROJECT / COMPARABLE PROJECTS</b>			
This criterion covers the experience of the bidder  Bidder's experience on similar scale projects with respect to specific aspects of the project / comparable projects (project of a similar nature over the last 3 years):			
Introduction and security background to the team specifying in detail what each member of the team will contribute to the various aspects of the process. Detailed CVs of team members should be attached as annexures to the submission	30		
<ul style="list-style-type: none"> <li>▪ 3 or more reference letters = 10</li> <li>▪ 2 reference letters = 7</li> <li>▪ 1 reference letter = 5</li> <li>▪ No references provided = 0</li> </ul> <p><b>(NB: Contactable reference letters to be attached as detailed above.)</b></p>	10		
<b>2. APPROACH AND METHODOLOGY</b>			
A detailed statement of the applicant's approach and methodology for accomplishing the deliverables	40		
<b>3. PROVEN TRACK RECORD</b>			
A detailed statement of the applicant's company security assessment experience and track record in similar projects. Ideally provided through specific project examples. <ul style="list-style-type: none"> <li>▪ 3 or more projects = 20</li> <li>▪ 2 projects = 15</li> <li>▪ 1 project = 10</li> <li>▪ No project provided = 0</li> </ul>	20		

**A minimum threshold of 75 points will apply to qualify to the next stage of Price and BBEE**

#### 4. 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.

**The quotation must reflect a breakdown of professional and other staff to be employed on the project as well as the tariff of fees associated with each of the member of the Applicant. A full breakdown of the stages and cost components must be provided.**

No	Description	Unit of measure	Quantity	Total
1		Hours		
2		Unit		
3		Unit		
4		Unit		
5		Unit		
6		Unit		
7		Unit		
8		Unit		
9		Years		
10	<b>Other:</b> (Specify)			
			Subtotal	
			Vat	
			<b>GRAND TOTAL</b>	

The total estimated cost of the contract will not exceed R 400 000.00 (**Four Hundred Thousand Rand**) including VAT and all disbursement.

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

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**Signature of Service Provider**

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**Date**

COMPANY STAMP

## 5. 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 the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

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

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

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

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

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

2.8.1 If so, furnish particulars:

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

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

2.9.1If 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

**6. 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:

- 1.1.1. the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- 1.1.2. the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2.

- 1.2.1. The value of this bid is estimated to exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the ..... preference point system shall be applicable; or
- 1.2.2. Either the 80/20 or 90/10 preference point system will be applicable to this tender (delete whichever is not applicable for this tender).

1.2.3. Either the 80/20 or 90/10 preference point system will be applicable to this tender (delete whichever is not applicable for this tender).

1.3. Points for this bid shall be awarded for:

- 1.3.1. Price; and
- 1.3.2. B-BBEE Status Level of Contributor.

1.4. The maximum points for this bid are allocated as follows:

	<b>POINTS</b>
<b>PRICE</b>	<b>80</b>
<b>B-BBEE STATUS LEVEL OF CONTRIBUTION</b>	<b>20</b>
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

- 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

- 2.1. **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.2. **“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;
- 2.3. **“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;
- 2.4. **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.5. **“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;
- 2.6. **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- 2.7. **“prices”** includes all applicable taxes less all unconditional discounts;
- 2.8. **“proof of B-BBEE status level of contributor”** means:
  - 2.8.1. B-BBEE Status level certificate issued by an authorized body or person;
  - 2.8.2. A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 2.8.3. Any other requirement prescribed in terms of the B-BBEE Act;
- 2.9. **“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;
- 2.10. **“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:

$$80/20 \qquad \qquad \qquad \text{or} \qquad \qquad 90/10$$

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \qquad \qquad \text{or} \qquad \qquad P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P<sub>s</sub> = Points scored for price of bid under consideration

P<sub>t</sub> = 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:

- 7.1.1.1. What percentage of the contract will be subcontracted.....%
- 7.1.1.2. The name of the sub-contractor.....
- 7.1.1.3. The B-BBEE status level of the sub-contractor.....
- 7.1.1.4. Whether the sub-contractor is an EME or QSE

(Tick applicable box)

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

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

<b>Designated Group: An EME or QSE which is at last 51% owned by:</b>	<b>EME</b>	<b>QSE</b>
	✓	✓
<b>Black people</b>		
<b>Black people who are youth</b>		
<b>Black people who are women</b>		
<b>Black people with disabilities</b>		
<b>Black people living in rural or underdeveloped areas or townships</b>		
<b>Cooperative owned by black people</b>		
<b>Black people who are military veterans</b>		
<b>OR</b>		
<b>Any EME</b>		
<b>Any QSE</b>		

**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 propriety

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:

8.8.1. The information furnished is true and correct;

8.8.2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

8.8.3. 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;

8.8.4. 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 –

8.8.4.1. disqualify the person from the bidding process;

8.8.4.2. recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

8.8.4.3. 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;

8.8.4.4. 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

8.8.4.5. forward the matter for criminal prosecution.

WITNESSES

1. ....

2. ....

.....

SIGNATURE(S) OF BIDDERS(S)

DATE: .....

## 7. DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

### 1. General Conditions

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9) makes provision for the promotion of local production and content.
- 1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for bids referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person 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.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

y is the bid bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

**The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.**

1.6 A bid may be disqualified if –

- (a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
- (b) the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.

## **2. Definitions**

2.1. **“bid”** includes written price quotations, advertised competitive bids or proposals;

2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);

2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;

2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;

2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility(close corporation, partnership or individual).

- 2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour or intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
- 2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and
- 2.9. **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.
3. **The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

4. Does any portion of the services, works or goods offered have any imported content?

*(Tick applicable box)*

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za).

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

5. Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct?

**(Tick applicable box)**

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

5.1. If yes, provide the following particulars:

- (a) Full name of auditor: .....
- (b) Practice number: .....
- (c) Telephone and cell number: .....
- (d) Email address: .....

(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)

6. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

**LOCAL CONTENT DECLARATION**

**(REFER TO ANNEX B OF SATS 1286:2011)**

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID NO. ....**

**ISSUED BY:** (Procurement Authority / Name of Institution):  
.....

NB

1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thdti.gov.za/industrial\\_development/ip.jsp](http://www.thdti.gov.za/industrial_development/ip.jsp). Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, ..... (full names),  
do hereby declare, in my capacity as .....  
of .....(name of bidder entity), the  
following:

(a) The facts contained herein are within my own personal knowledge.

(b) I have satisfied myself that:

- (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (ii) the declaration templates have been audited and certified to be correct.

(c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.**

**The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**

(d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Preferential Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## 8. 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	.....

**9. 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 .....

OFFICIAL STAMP

WITNESSES

1 .....

### 10. 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>	Yes  <input type="checkbox"/>	No  <input type="checkbox"/>

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

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**

### 11. 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:

---

(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

**12. NATIONAL TREASURY GENERAL CONDITIONS OF CONTRACT (NT GCC)**

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

\*Please refer to the of 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 am duly authorized to sign this contract.

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

NAME (PRINT) .....

SIGNATURE .....

WITNESSES	
3	.....