



higher education

Department:
Higher Education
REPUBLIC OF SOUTH AFRICA



NOTICE

Nkangala TVET College, hereby invites experienced and suitably qualified Service Providers to tender for the following services.

TENDER NUMBER	TENDER DESCRIPTION	CLOSING DATE AND TIME OF TENDER
NKTVET/2026/08/01	REQUEST PROPOSAL FROM PROSPECTIVE BIDDERS FOR A PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES TO NKANGALA TVET COLLEGE FOR A PERIOD OF FIVE (05) YEARS.	TUESDAY, 15 SEPTEMBER 2026 at 11h00

Tender documents can be downloaded from the E-tenders website at www.etenders.gov.za from Tuesday, 25 August 2026.

Sealed tenders must be deposited into the tender box situated at Nkangala TVET College, Central Office, Cnr. Haig and Northey Streets, Witbank 1035. Late bids will not be accepted.

Enquiries can be directed to:

Mr. M.E Mteza by email: mteza@ntc.edu.za

Mr. M.M Mashabela by email: mashabela.m@ntc.edu.za

Tel No: (013) 658-4700 or (013) 690 1885

Correspondence will be limited to shortlisted tenderers only. Should you not be contracted by the Institution within 90 days of the closing date of the tender, please consider your proposal unsuccessful. Late tenders will be disqualified from the bidding process.

Nkangala TVET College does not bind itself to accept the lowest bid and reserves the right to accept the bid as a whole, in part or not at all. Nkangala TVET College is committed to both the principle and practical implementation of the Procurement Policy of Broad-Based Black Economic Empowerment (B-BBEE). No facsimile, late and/or electronic tenders will be accepted.



higher education
& training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

Central Office

Cnr Haig & Northey
P.O.Box 2282
WITBANK
1035



**YOU ARE HEREBY INVITED TO SUBMIT PROPOSAL(S)
FOR A PANEL OF ATTORNEYS TO PROVIDE LEGAL
SERVICES TO NKANGALA TVET COLLEGE FOR THE
PERIOD OF FIVE (05) YEARS**

TENDER NO: NKTVET2026/08/01

Bidder Name

Total Bidder (Including VAT)

R

**YOU ARE HEREBY INVITED TO SUBMIT PROPOSAL(S) FOR A PANEL OF LEGAL SERVICES
AT NKANGALA TVET COLLEGE FOR THE PERIOD OF FIVE (5) YEARS**

RFP NUMBER:	NKTVET/2026/08/01
RFP ISSUE DATE:	25 AUGUST 2026
CLOSING DATE AND TIME:	15 SEPTEMBER AT 11:AM
RFP VALIDITY PERIOD	90 DAYS(COMMENCING FROM THE RFP CLOSING DATE)
DESCRIPTION:	PANEL OF LEGAL SERVICES FOR NKANGALA TVET COLLEGE
RESPONSES TO THIS RFP SHOULD BE:	PLACED IN THE TENDER BOX AT THE RECEPTION AT CENTRAL OFFICE, CORNER HAIG & NORTHEY STREET, EMALAHLENI, 1035, BY NO LATER THAN 15 SEPTEMBER 2026 @ 11H00AM
ENQUIRY	AT SUPPLY CHAIN MANAGEMENT TO: MR. M.E MTEZA BY EMAIL: mteza@ntc.edu.za MR. M.M MASHABELA BY EMAIL : mashabela.m@ntc.edu.za TEL. NO.: (013) 658-4700

Initials: _____

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Initials: _____

INTRODUCTION

1.1 Purpose

- 1.1.1 The purpose of this request is to invite service providers (hereinafter referred to as "Bidders") to submit a RFP response for a **Panel of Legal Services at Nkangala TVET College ref number NKTVET/2026/08/01.**
- 1.1.2 The college intends to appoint the panel of Legal firms.

1.2 Background information

- 1.2.1 Nkangala TVET College requires a Panel of Legal Services of experienced legal (bidder) for the period of five (5) years.

1.3 Scope of Work

The successful firms of attorneys will be required to render a panel of legal services to Nkangala TVET College in the following areas:

- 1.3.1 Labour Law - with a focus on dispute resolutions, unfair dismissal claims referred to the CCMA, ELRC, GPSSBC, labour court and other labour related matters.
- 1.3.2 Contracting - drafting and vetting of contracts.
- 1.3.3 Litigation - Magistrates Court, High Court, legal matters etc.
- 1.3.4 Commercial and Corporate Law - Commercial law transactions.
- 1.3.5 Conduct the detailed and credible research on the required legal assignments.
- 1.3.6 Conveyance – manage transfer of College property.
- 1.3.7 Construction and Engineering Law – providing legal advice, support and dispute resolutions services.
- 1.3.8 Other legal related matters of the College.

1.4 Special Conditions

The following are the special conditions applicable to this request for proposals:

- 1.4.1 The appointment of successful Bidder(s) will be for a period maximum of five (5) years reckoned from the date of signing agreement with Nkangala TVET College.
- 1.4.2 The successful firm (s) may be assigned work as and when required.
- 1.4.3 For every assignment, a purchase order will be issued to the specific assigned firm.
- 1.4.4 Nkangala TVET College may, in respect of an assignment, negotiate fees with any successful firm(s).
- 1.4.5 A firm assigned any work may not cede, assign or sub-contract any part thereof to any person unless with the written consent of Nkangala TVET College or as may be required by the applicable laws, for instance, in cases where correspondent firm may be necessary.
- 1.4.6 The appointment of firms does not guarantee assignment of work.
- 1.4.7 The successful firm shall report directly to the Senior Executive Manager or any person delegated by the Nkangala TVET College in respect of any engagement (instructions, case management etc.) and for the receipt and handling of all forms of reports and all administration pertaining to any particular assignment(s).

1.5 Basic Terms and Conditions

- 1.5.1 To ensure that the bid is not exposed to invalidation, documents are to be completed in accordance with the conditions and bid rules contained in the bid documents.
- 1.5.2 Bid documents must be sealed and externally marked with: **Panel of Legal Services**, bid no: **NKTVET/2026/08/01** and placed in tender Box at Central Office, not later than the closing date and time as advertised, at which hour the bids will be opened in public in the staff room, Ground Floor, at the mentioned address.
- 1.5.3 Nkangala TVET College reserves the right not to consider any bid not suitably endorsed or comprehensively completed as well as the right to accept a bid in whole or part.
- 1.5.4 The following documents must be completed and signed where applicable and submitted as a complete set:

SBD FORMS

- | | | |
|---------|---------|---|
| 1.5.4.1 | SBD 1 - | Invitation to Bid |
| 1.5.4.2 | SBD 4 - | Declaration of Interest |
| 1.5.4.3 | SBD 8 - | Declaration of Bidders Past Supply Chain Management Practices |
| 1.5.4.4 | SBD 9 - | Certificate of Independent Bid Determination |

Initials: _____

1.6 Pre-Qualification

NB: Very Important Notice on Disqualification

A bid not complying with the peremptory stated hereunder will be regarded as not being an "Acceptable bid", and as such will be rejected.

"Acceptable bid" means any bid, which, in all respects, complies with conditions of bid and specifications as set out in the bid documents.

A Bid will be disqualified:

- 1.6.1 If any pages have been removed from the bid document, and have therefore not been submitted, or copy of the original bid document has been submitted.
- 1.6.2 In the event of a failure to complete and sign schedule of quantities as required, i.e. only lump sums provided.
- 1.6.3 In the event of the use of correction fluid (e.g. tippex), any erasable ink, or any erasable writing instrument (e.g. pencil).
- 1.6.4 If the bidder attempts to influence, or has in fact influenced the evaluation and/or awarding of the contract.
- 1.6.5 If the bidder has been submitted either in the wrong bid box or after relevant closing date and time.

Initials: _____

1.7 Compulsory Returnable Documents

NO	MANDATORY DOCUMENTS
01	Initial each page and declaration signed in full from RFP Document
02	Company Registration Documents (CK)
03	Provide a summary of Tax Compliant CSD report not older three (03) months
04	Provide a valid copy of fidelity fund certificate
05	Provide a valid Board Resolution if not Sole Proprietor.
06	The following documents must be completed and signed where applicable and submitted as a complete set: SBD FORMS SBD Declaration of Interest: SBD 1 SBD 4 SBD 8 SBD 9

NB: No points will be allocated to this phase; however; bidders that do not meet the pre-qualification requirements may not advance to the next phase of the evaluation process.

Initials: _____

2. EVALUATION CRITERIA

2.1 Functionality Criteria

All Bids submitted will be evaluated by Nkangala TVET College using functionality.
Functionality will be evaluated as follows:

Minimum points for functionality is 65 points and any bidder that scores below 65 points will be disqualified.

CRITERIA	WEIGHT
1. Company Experience on Commercial or Corporate services in public sector, proof required (Reference letters or appointment letters or Service Level Agreements) NB: They must be on the company letterhead and have contact details not older than 05 years ▪ 5 reference letters or appointment letters or SLA = 50 Points ▪ 4 reference letters or appointment letters or SLA = 40 Points ▪ 3 reference letters or appointment letters or SLA = 30 Points ▪ 2 reference letters or appointment letters or SLA = 20 Points ▪ 1 reference letters or appointment letters or SLA = 10 Points NB: Non-submission of the above = 0 points	50
2. KEY PERSONNEL Directors to be placed in this Panel: Background, fields of specialisation and relevant experience 1. Attach detailed CV of director (s) with minimum of 5 years' experience post articles, certified ID Copies, qualifications, registered with Legal Practice Council and Confirmation of Right of appearance in High Court = 25 points	25
3. COMPANY PROFILE Company Profile that covers the following = 10 points Areas of Specialisation Organogram demonstrating shareholding, management structure, professionals indicating names, expertise and practice areas.	10
4. Locality: Provide proof (e.g. Statement of account in the name of the company/Lease agreement) - Nkangala Region = 15 points - Mpumalanga address = 10 points - Outside Mpumalanga = 05 points	15
Total	100

Initials: _____

FORMULA:

$$\frac{\text{Allocated points}}{\text{Total weight}} \times 100 = \text{PERCENTAGE}$$

3.2 Stage 2: Price and BBBEE Preference Points

Nkangala TVET College encourages black economic empowerment through providing opportunities to historically disadvantaged individuals, by unfair discrimination on the basis of race, gender and disability including the implementation of programmers of the Reconstruction and Development Programmers published in Government Gazette No. 16085 dated 23 November 1994.

POINTS AWARDED FOR SPECIFIC GOALS

Table 1: Allocation of points for B-BBEE status level of contributor and Specific goals for the tender, evaluation and points claimed are indicated per the table below.

(Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

The specific goals allocated points in terms of this tender.			Number of points allocated (90/10 system)	Number of points allocated (80/20 system)
B-BBEE Status level of Contributor			5	10
1			5	10
2			4	9
3			3	8
4			2	7
5			1	6
6			1	4
7			1	2
8			1	1
Non-Compliant Contributor			0	0
SPECIFIC GOALS			5	10
Youth			5	10
People living with Disabilities			5	10
Women			4	7
Historically Disadvantaged persons			3	6

20.2. B-BBEE Certificates

NB: If your disability status on the CSD is "Yes", you must provide proof of evidence from registered medical practitioner in order for points to be allocated accordingly.

Initials: _____

2. PRICING SCHEDULE FOR PANEL OF ATTORNEYS

ITEM	DESCRIPTION	ESTIMATED HOURS	UNIT PRICE EXCL VAT
1.	Consultation and Attendances	1	
2.	Taking instructions, opening a file which does not include consultation and perusing documents	1	
3.	Telephone consultations per quarter of an hour	1	
4.	Correspondence (Letters, faxes & email) per page 250 Words	1	
5.	Attending to send fax per page	1	
6.	Drawing of documents per page (particulars of claim, affidavits, indices, brief to Counsel) per page	1	
7.	Drawing of documents per page (particulars of claim, affidavits, indices, brief to Counsel) per page	1	
8.	Perusal of documents or folio	1	
9.	Copies per page	1	
10.	Attendance to file and service of pleadings	1	
11.	Research per quarter of an hour	1	
12.	Drafting of Service Level Agreement (SLA)	1	
13.	TRAVELLING: (p/km)	1	
14.	Counsel's account (As per account)	1	
TOTAL BID PRICE EXCL VAT			
15 % OF VAT			
TOTAL BID PRICE INCL VAT			

Initials: _____

SBD 1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)							
BID NUMBER:				CLOSING DATE:			
DESCRIPTION							
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)							
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACT PERSON				CONTACT PERSON			
TELEPHONE NUMBER				TELEPHONE NUMBER			
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS				E-MAIL ADDRESS			
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]		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX]		
	☐ Yes ☐ No				☐ Yes ☐ No		
[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 THE GOODS /SERVICES /WORKS OFFERED?		☐ Yes ☐ No (IF YES, ANSWER THE QUESTIONNAIRE BELOW)		
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS							

Initials: _____

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?
NO

☐ YES ☐

DOES THE ENTITY HAVE A BRANCH IN THE RSA?
☐ NO

☐ YES

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?
☐ NO

☐ YES

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.

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
- 1.3. 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.
- 1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 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."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

(Proof of authority must be submitted e.g. company resolution)

.....

DATE:

.....

SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, 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

Initials: _____

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, shareholder²):

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.

"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.

"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 presently employed by the state? **YES / NO**

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**

Initials: _____

(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, 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? YES/NO

2.10.1 If so, furnish particulars.

.....

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

2.11.1 If so, furnish particulars:

.....

3 FULL DETAILS OF DIRECTORS / TRUSTEES / MEMBERS / SHAREHOLDERS.

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

Initials: _____

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

SBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-

Initials: _____

- 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? (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). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
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)? Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
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 ☐	No ☐
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 ☐	No ☐
4.4.1	If so, furnish particulars:		

Initials: _____

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

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *per se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:

Initials: _____

- a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

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

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

Initials: _____

- (a) has been requested to submit a bid in response to this bid invitation;
- (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
- (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

SBD 9

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

SBD 9

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for

Initials: _____

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

Initials: _____