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REQUEST FOR QUOTATION (RFQ)

RFQ NUMBER:	RFQ/TVL/2022/05
TENDER ISSUE DATE	28 JANUARY 2021
BRIEFING SESSION	NOT APPLICABLE
RFQ DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO SUPPLY, DELIVER AND INSTALL DATA ANALYTICS TOOL FOR SABC TV LICENCE FOR A PERIOD OF THREE YEARS
CLOSING DATE & TIME	18 FEBRUARY 2021 AT 12H00

Submissions must be electronically emailed to RFQSubmissions@sabc.co.za on or
before the closing date of this RFQ,

For queries, please contact **Mandla Sikhonde** via email: Tenderqueries@sabc.co.za

The SABC requests your quotation on the services listed above. Please furnish us with all the information as requested and return your quotation on the date and time stipulated above. Late and incomplete submissions will invalidate the quote submitted.

SUPPLIER NAME : _____

POSTAL ADDRESS : _____

TELEPHONE NO : _____

FAX. NO. : _____

E MAIL ADDRESS : _____

CONTACT PERSON : _____

CELL NO : _____

SIGNATURE OF BIDDER: _____

NOTES ON QUOTATIONS AND PROPOSALS SUBMISSION

1. All electronic submissions must be submitted in a **PDF** format that is protected from any modifications, deletions, or additions.
2. Financial/pricing information must be presented in a **separate** attachment from the Technical / Functional Response information.
3. The onus is on the Bidder to further ensure that all mandatory and required documents are included in the electronic submission.
4. All electronic submissions should be prominently marked with the full details of the tender in the email subject line.
5. Bidders are advised to email electronic submissions at least thirty minutes before the bid closing time to cater for any possible delay in transmission or receipt of the bid. The onus is on bidder to ensure that the bid is submitted on time via email
6. Tender submission emails received after submission date and time will be considered late bid submissions and will not be accepted for consideration by SABC.
7. SABC will not be responsible for any failure or delay in the email transmission or receipt of the email including but not limited to:
 - receipt of incomplete bid
 - file size
 - delay in transmission receipt of the bid
 - failure of the Bidder to properly identify the bid
 - illegibility of the bid; or
 - Security of the bid data.

FIRST PHASE – PREQUALIFICATION CRITERIA: MANDATORY DOCUMENTS

All bid respondents must submit mandatory documents that comply with all mandatory requirements. Bids that do not fully comply with the mandatory requirements will be disqualified and will not be considered for further evaluation.

MANDATORY REQUIREMENT		COMPLY/ NOT COMPLY
1.	Submit proof CSD registration (Bidder must be registered with CSD to do business with the SABC)	

NON-SUBMISSION OF THE MANDATORY DOCUMENTS WILL RESULT IN AUTOMATIC DISQUALIFICATION.

REQUIRED DOCUMENTS

- 1.1 Proof of Valid TV License Statement for the Company; all active Directors and Shareholder must have valid TV Licenses.
(Verification will also be done by the SABC internally).
- 1.2 Valid Tax Clearance Certificate or SARS "Pin" to validate supplier's tax matters
- 1.3 Original or Certified copy of Valid BBEE Certificate (from SANAS accredited Verification Agency)
- 1.4 All EME's and 51% black Owned QSE's are only required to obtain a **sworn affidavit** on an annual basis, confirming the following;
 - 1.4.1 Annual Total Revenue of R10 Million or less (EME) or Revenue between R10 Million and R50 Million for QSE
 - 1.4.2 Level of Black Ownership

Note 1:

Verification Agencies and Auditors who are accredited by the IRBA (Independent Regulatory Board for Auditors) are no longer the 'approved regulatory bodies' for B-BBEE verification and therefore IRBA auditors are not allowed to issue B-BBEE certificates after 30 September 2016.

Note 2:

Any misrepresentation in terms of the above constitutes a criminal offence as set out in the B-BBEE act as amended.

- 1.5 Certified copy of Company Registration Document that reflect Company Name, Registration number, date of registration and active Directors or Members.
- 1.6 Certified copy of Shareholders' certificates.
- 1.7 Submit Proof of Public Indemnity Cover for minimum of R10 000 000
- 1.8 Certified copy of ID documents of the Directors or Members.

NB: NO CONTRACT WILL BE AWARDED TO ANY BIDDERS WHO'S TAX MATTERS ARE NOT IN ORDER.

NO CONTRACT WILL BE AWARDED TO ANY BIDDERS WHO'S TV LICENCE STATEMENT ACCOUNT IS NOT VALID.

DETAILED TECHNICAL SPECIFICATION

1. SCOPE OF REQUIREMENTS

The digital age is characterised by vast amounts of information and data. The sources of these masses of data are both of internal and external origin and come in varied forms; structured, semi-structured and unstructured. Technological progress has made it possible to gain access to this information, decode and derive intelligence from it. Organisations around the world have cottoned-on to the wealth of valuable insights that lie in unexploited information and are now enabling themselves to tap into these various sources of information to make smarter business decisions.

Companies today view their unique data in significantly different ways due to the sheer enormity of data available and the rate at which it is compounding. Consumers reveal their motivations, preferences, dislikes and even loyalties on social media, which has highlighted the critical importance of customer feedback to support the buying decisions and gain a deeper understanding of customer needs unique to their particular market.

Data Analytics team will be established in TV Licences during the coming months and a tool is required for them to execute their duties. The data analytics tool will be required to mine the vast licence holder information available on TV Licence databases to identify insights into customer behaviours and trends in order for the business to make more informed decisions before conducting revenue collection campaigns.

The tool will enable data analytics in the Division and create opportunities for the business to increase TV Licence revenue collection. Users: Data Analytics Team (max 5 users)

- Support: 24x7x365
- Current MIS Environment:
 1. 1 main database with 20 secondary databases
 2. +- 700 tables
 3. +- 16 billion records
 4. +- 3.5 TB in size of the all the database with indexes
 5. 500 GB work files
- Database: Microsoft SQL Server 2014 SP2 STD
- Operating System: Windows Server 2012 R2
- Server: HP DL380P Gen 8, 2 Intel CPUs with 12 cores each, 64 GB RAM

2. SECOND PHASE EVALUATION CRITERIA: MANATORY TECHNICAL REQUIREMENTS

2.1 A point-by-point response is required, i.e. a comment for each point or paragraph that is associated with the numbering should be made.

2.2 The response to technical requirements must state “**Comply**” or “**Non-Compliance**.” The bidder must specify how they are complying for each aspect as stated below, including references or supporting information to clarify the response.

2.3 No response, without detail will be seen as “**Non-Compliance**”. Specify proof of compliance i.e. **page number on technical proposal**. .

Requirement	Requirement Description	Comply (Y/N)	Bidder to indicate clearly in their response on full compliance.	Points
2.1 Advanced Analytics	Features that support highly statistical analysis like clustering, regressions, predictive modelling, sentiment analysis, and time series forecasting.			10
2.2 Availability & Scalability	The solution should be able to automatically scale the resources to accommodate varying throughput as per ongoing business requirements.			10
2.3 Dash boarding and Data Visualization	The solution should allow access to the business users to have quick access to data dashboards and summarized data.			15
2.4 Data Management	The solution must cater for data blending, data modelling, and metadata management			9
2.5 Reporting	The solution must include features like: <ul style="list-style-type: none">•Building of cubes/data marts for self-service reporting.•Ad-hoc and customizable reporting•Allow for report scheduling.•Automated alerts to users e.g. report readiness, delivery, failures, notifications (email and SMS)			13
2.6 Hosted on cloud versus Onsite	Hosted solution preferred For onsite please provide technical infrastructure specification and cost			20

2.7 File Transfer Protocols	The solution must cater for importation of data via SFTP			10
2.8 Business Continuity	The solution must cater for full disaster recovery at no additional cost The solution should cater for backup(daily) and data recovery			15
2.9 Maintenance and Support	Application Support: 24x7x365 (remote) Version upgrades and support for upgrades must be included in support Provide detailed fault logging procedure			15
2.10 User Licensing Required	Data Analytics Team (max 5 users)			10
2.11 Company Previous experience in Data Analytics	Provide detailed previous experience with 3 references at the minimum			8
2.12 Security	The solution must be secure as it will be hosting sensitive licence holder personal information. The solution must be compliant with regulations around the POPIA. The solution must be aligned with the following security criteria: password complexity, password length, password expiration, active directory integration for onsite proposal, audit trail and access control.			10
2.13 Data Source Integration	The solution must be able to integrate with TV Licences' existing Management Information System (MIS) which is hosted on an SQL platform - details in background section no 1 of the document. The solution should also be capable of integrating with external data sources: Data cleansing service provider and Geographical Information Systems data supplier			5
Total				150

3. CONTRACT PERIOD

Three years.

4. COSTING

SABC requires a cost-effective quote for the requirements above from **2.1 to 2.13** but not limited to. If there are mandatory features that have not been mentioned or value adds necessary for the functioning of the system service provider needs to quote for such.

4.1 Costing Model

Software cost	Year 1	Year 2	Year 3	Total Excl Vat	Total Incl Vat
Software Development and Installation cost					
Number of users					
Renewal cost from year 2					

5. RFQ Response Information

Effective Date of Bid

Vendors should state in writing in its quotation to the SABC that all furnished information, including price, will remain valid and applicable for 90 days from the date the vendor quotation is received by the SABC.

6. EVALUATION CRITERIA

6.1 BBBEE and Price

- The RFQ responses will be evaluated on the **80/20** point system

6.2 Technical Evaluation

- The RFQ submission will be technically evaluated out of a maximum of 150;
- A threshold of **115 out of 150** has been set.
- Bidder who obtains less 115 that will not be considered for the next phase of evaluation.

6.3 Objective Criteria

- The SABC further reserve the right not to award this RFQ to any bidder based on the proven poor record of accomplishment of the bidder in previous projects within the SABC.
- Bidders who are blacklisted or have committed other acts of fraud and misrepresentation of facts e.g. tax compliance, BBBEE, company financials, etc. will be eliminated from the bid process.

THIRD PHASE EVALUATION CRITERIA: PAPER BASED

Evaluation Area	Evaluation Criteria	Min Points	Max Points
Compliance with the given requirement	Provide full details of the proposed Data Analytic tool Advanced Analytics Features that support highly statistical analysis as below: Clustering = 2 points Regressions = 2 points Predictive modelling = 2 points Sentiment analysis = 2 points and Time series forecasting = 2 points	6	10
	Availability & Scalability The solution should be able to automatically scale the resources to accommodate varying throughput as per ongoing business requirements.	10	10
	Dashboarding and Data Visualization The solution should allow access to the business users to have quick access to data dashboards and summarized data.	15	15
	Data Management The solution must cater for : <ul style="list-style-type: none"> • Data blending = 3 points • Data modelling = 3 points • Metadata management = 3 points 	6	9

	Reporting The solution must include features like: <ul style="list-style-type: none"> • Building of cubes/data marts for self-service reporting.= 4 points • Ad-hoc and customizable reporting . = 2 points • Allow for report scheduling. . = 2 points • Automated alerts to users e.g. • report readiness =1 point, • delivery = 1 point, • failures = 1 point, • notifications : <ul style="list-style-type: none"> • email = 1 point • SMS= 1 point 	10	13
Company Previous Experience in Data Analytics	(Provide proof experience and references) <ul style="list-style-type: none"> • 3-4 years = 5 points • >4 years = 10 points • 3 references = 5 points • >3 references =10 points Reference letters should be on the clients letterhead with contact details	10	20
Maintenance and Support	Application Support: 24x7x365 (remote) <ul style="list-style-type: none"> • Version upgrades and support for upgrades must be included in support cost = 5 points • Provide detailed fault logging procedure =5 points 	10	10
Security	The solution must be secure as it will be hosting sensitive licence holder personal information. = 2 points The solution must be compliant with regulations around the POPIA. = 2 points The solution must be aligned with the following security criteria: <ul style="list-style-type: none"> • Password complexity =1 point • Password length =1 point • Password expiration =1 Point • Active directory integration for onsite proposal =1 Point • Audit trail = 1point • Access control = 1 point 	5	10
Data Source Integration	The solution must be able to integrate with TV Licences' existing Management Information System (MIS) which is hosted on an SQL platform – <ul style="list-style-type: none"> • Details in background above. = 10 points The solution should also be capable of integrating with external data sources:	15	20

	<ul style="list-style-type: none"> Data cleansing service providers = 5 points GIS data supplier = 5 points 		
Business Continuity	The solution must cater for full disaster recovery: <ul style="list-style-type: none"> The solution should cater for backup(daily) and data recovery = 10 points Back up not provided=0 	10	10
User Licensing Required	Data Analytics Team (5 users) = 8 points	8	8
Hosted on cloud versus Onsite	Hosted solution preferred = 10 points Onsite Solution = 5 points	5	10
File Transfer Protocols	The solution must cater for import/export/upload of data via SFTP= 5 points	5	5
Total		115	150

7. ADJUDICATION USING A POINT SYSTEM

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

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

7.3. In the event that two or more bids have scored equal points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.

7.4. However, when functionality is part of the evaluation process and two or more bids have scored equal points for B-BBEE, the successful bid must be the one scoring the highest score for functionality

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

8. POINTS AWARDED FOR PRICE

THE 80/20 PREFERENCE POINT SYSTEMS

A maximum of 80 points is allocated for price on the following basis:

80/20

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

Where

P_s = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid

7

BBEE PREFERENTIAL POINTS WILL BE AWARDED AS FOLLOWS:

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

- 9.1. Bidders who qualify as EME's in terms of the B-BBEE Act must submit a certificate issued by a verification Agency accredited by SANAS for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates or DTI Affidavit.
- 9.2. Bidders other than EMEs must submit their original and valid B-BBEE status levels verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a verification agency accredited by SANAS.
- 9.3. A trust, consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate
- 9.4. A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 9.5. Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 9.6. A tenderer will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intend sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a

bidder qualifies for, unless the intended Sub-contractor is an EME that has the capacity and the ability to execute the sub-contract.

- 9.7. A tenderer awarded a contract may not sub-contract more than 30% of the value of the contract to any other enterprise that does not have equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capacity and the ability to execute the sub-contract.

10. COMMUNICATION

Respondents are warned that a response will be disqualified should any attempt be made by a tenderer either directly or indirectly to canvass any officer(s) or employees of SABC in respect of a RFQ, between the closing date and the date of the award of the business.

All enquiries relating to this RFQ should be emailed two days before the closing date.

11. CONDITIONS TO BE OBSERVED WHEN TENDERING

- 11.1. The Corporation does not bind itself to accept the lowest or any tender, nor shall it be responsible for or pay any expenses or losses which may be incurred by the Tenderer in the preparation and delivery of his tender. The Corporation reserves the right to accept a separate tender or separate tenders for any one or more of the sections of a specification. The corporation also reserves the right to withdraw the tender at any stage.
- 11.2. No tender shall be deemed to have been accepted unless and until a formal contract / letter of intent is prepared and executed.
- 11.3. The Corporation reserves the right to:
- 11.3.1 Not evaluate and award tenders that do not comply strictly with this tender document.
 - 11.3.2 Make a selection solely on the information received in the tenders and
 - 11.3.3 Enter into negotiations with any one or more of preferred Tenderer(s) based on the criteria specified in the evaluation of this tender.
 - 11.3.4 Contact any Tenderer during the evaluation process, in order to clarify any information, without informing any other Tenderers. During the evaluation process, no change in the content of the tender shall be sought, offered or permitted.
 - 11.3.5 Award a contract to one or more Tenderer(s).
 - 11.3.6 Accept any tender in part or full at its own discretion.
 - 11.3.7 Cancel this RFQ or any part thereof at any time.
 - 11.3.8 Should Tenderer(s) be selected for further negotiations, they will be

chosen on the basis of the greatest benefit to the Corporation and not necessarily on the basis of the lowest costs.

11.4 SABC shall not liable for any loss or injuries or damages or death of the bidder representative while travelling for SABC auction business

12. COST OF BIDDING

The Tenderer shall bear all costs and expenses associated with preparation and submission of its tender or RFQ, and the Corporation shall under no circumstances be responsible or liable for any such costs, regardless of, without limitation, the conduct or outcome of the bidding, evaluation, and selection process.

END OF RFQ DOCUMENT

ANNEXURE A

CONSORTIUMS, JOINT VENTURES AND SUB-CONTRACTING REGULATIONS

1 CONSORTIUMS AND JOINT VENTURES

- 1.1 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 1.2 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate tender.

2 SUB-CONTRACTING

- 2.1 A tenderer will not be awarded points for B-BBEE status if it is indicated in the tender documents that such a tenderer intends sub-contracting more than 30% of the value of the contract to any other enterprise that does not qualify for at least the points the tenderer qualifies for, unless the intended sub-contractor is an exempted micro enterprise that has the capacity and ability to execute the sub-contract.
- 2.2 A tenderer awarded a contract may not sub-contract more than 30% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the tenderer concerned, unless the contract is sub-contracted to an exempted micro enterprise that has the capability and ability to execute the sub-contract.
- 2.3 A tenderer awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.

3 DECLARATION OF SUB-CONTRACTING

- 3.1 Will any portion of the contract be sub-contracted? YES / NO
- 3.2 If yes, indicate:

3.2.1 The percentage of the contract will be sub-contracted

.....%

3.2.2 The name of the sub-contractor

.....

3.2.3 The B-BBEE status level of the sub-contractor

3.2.4 whether the sub-contractor is an EME YES / NO

SIGNATURE OF DECLARANT

TENDER NUMBER

DATE

POSITION OF DECLARANT

NAME OF COMPANY OR TENDERER

ANNEXURE B

DECLARATION OF INTEREST

1. Any legal or natural person, excluding any permanent employee of SABC, may make an offer or offers in terms of this tender invitation. In view of possible allegations of favouritism, should the resulting tender, or part thereof be awarded to-
 - (a) any person employed by the SABC in the capacity of Tenderer, consultant or service provider; or
 - (b) any person who acts on behalf of SABC; or
 - (c) any person having kinship, including a blood relationship, with a person employed by, or who acts on behalf of SABC; or
 - (d) any legal person which is in any way connected to any person contemplated in paragraph (a), (b) or (c),

it is required that:

The Tenderer or his/her authorised representative shall declare his/her position *vis-à-vis* SABC and/or take an oath declaring his/her interest, where it is known that any such relationship exists between the Tenderer and a person employed by SABC in any capacity.

Does such a relationship exist? [YES/NO]

If YES, state particulars of all such relationships (if necessary, please add additional pages containing the required information):

[1]

[2]

NAME :

POSITION :

OFFICE WHERE EMPLOYED :

TELEPHONE NUMBER :

RELATIONSHIP :

2. Failure on the part of a Tenderer to fill in and/or sign this certificate may be interpreted to mean that an association as stipulated in paragraph 1, *supra*, exists.
3. In the event of a contract being awarded to a Tenderer with an association as stipulated in paragraph 1, *supra*, and it subsequently becomes known that false information was

provided in response to the above question, SABC may, in addition to any other remedy it may have:

- recover from the Tenderer all costs, losses or damages incurred or sustained by SABC as a result of the award of the contract; and/or
- cancel the contract and claim any damages, which SABC may suffer by having to make less favourable arrangements after such cancellation.

SIGNATURE OF DECLARANT

TENDER NUMBER

DATE

POSITION OF DECLARANT

NAME OF COMPANY OR TENDERER

ANNEXURE “C”

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

Project Descriptions	Client	Contact no	Contact person	Email address	Period of projects	Value of projects	Project Commence date	Completed date

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

Project Descriptions	Client	Contact no	Contact person	Email address	Period of projects	Value of projects	Project Commence date	Completion date

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
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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>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) 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>The 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.</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

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 *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:

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.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;

5. For the purposes of this Certificate and the accompanying bid, I understand that the word “competitor” shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

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

SBD 9

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or 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.

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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.

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Signature

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Date

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Position

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Name of Bidder

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