



SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR

REQUEST FOR BIDS

The South African Diamond and Precious Metals Regulator invite prospective service providers to submit bids for the following requirements:

Bid number	Bid Description	Closing date	Enquiries
RFQ 04/12/2022	REQUEST FOR QUOTATION FOR A SERVICE PROVIDER TO RENDER SERVICE OF LEASED WALKTHROUGH METAL DETECTOR AND PROVIDE MAINTENANCE, SERVICE AND REPAIRS AT THE SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR'S (SADPMR) HEAD OFFICE IN KEMPTON PARK FOR A PERIOD OF THREE YEARS (36 MONTHS)	13/12/2022	M Makume

Content

NO.	Page
1. INVITATION OF BIDS (SBD 1)	2 – 3
2. TERMS OF REFERENCE	4
3. DECLARATION OF INTEREST (SBD 4)	05 - 07
4. PREFERENCE POINTS CLAIM FORM (SBD 6.1)	08 – 12
5. DECLARATION OF BIDDERS PAST SCM PRACTICES (SBD 8)	13 – 14
6. CERTIFICATE OF INDEPENDENT BID DETERMINATION (SBD 9)	15 – 17



SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	RFQ /11/2022	CLOSING DATE:	13/12/2022	CLOSING TIME:	11:00am
DESCRIPTION	REQUEST FOR QUOTATION FOR A SERVICE PROVIDER TO RENDER SERVICE OF LEASED WALKTHROUGH METAL DETECTOR AND PROVIDE MAINTENANCE, SERVICE AND REPAIRS AT THE SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR'S (SADPMR) HEAD OFFICE IN KEMPTON PARK FOR A PERIOD OF THREE YEARS (36 MONTHS)				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
Kindly Submit Via email to mmolokim@sadpmr.co.za and cynthiak@sadpmr.co.za					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Mmoloki Makume		CONTACT PERSON	Ms C Khadimovha	
TELEPHONE NUMBER	(011) 223 7000		TELEPHONE NUMBER	(011) 223 7000	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	mmolokim@sadpmr.co.za		E-MAIL ADDRESS	cynthiak@sapmr.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] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					



**SOUTH AFRICAN DIAMOND AND
PRECIOUS METALS REGULATOR**

**TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO
RENDER SERVICE OF LEASED WALKTHROUGH METAL DETECTOR AND PROVIDE
MAINTENANCE, SERVICE AND REPAIRS AT THE SOUTH AFRICAN DIAMOND AND
PRECIOUS METALS REGULATOR'S (SADPMR) HEAD OFFICE IN KEMPTON PARK
FOR A PERIOD OF THREE YEARS (36 MONTHS)**

1. BACKGROUND

The South African Diamond and Precious Metals Regulator (SADPMR) needs to appoint a service provider at its Head Office in Johannesburg. The appointed company should provide a walkthrough metal detector on a lease basis and include maintenance, service and repair for 24 hours, 7 days a week for a period of three years, (36) months.

2. SCOPE OF SERVICE

2.1 The appointed service provider will be expected to provide maintenance, service and repairs of metal detector to be functional at all times as follows:

2.1.1 Duration of the maintenance of the contract

This call out service contract shall commence upon SADPMR issuing a letter of appointment, an order and after signing a Service Level Agreement which will be for a period of three years (36 months).

2.2 REPAIR AND RESPONSE TIMES

2.2.1 Should it be detected during the maintenance process that the walkthrough metal detector is not functional, the service provider should replace the walkthrough metal detector immediately.

2.2.2 Response time shall be within six (6) hours on-site after Service Provider receives request from the SADPMR.

2.2.3 An emergency request that occurs during working hours shall be four (4) hours without carryover into the next day.

2.3 WALKTHROUGH METAL DETECTOR SPECIFICATION

The type of walkthrough metal detector required must have the following specifications listed below or additional based on the technology:



SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR

- Stop and go indication
- Detect ferrous and non-ferrous metals
- Auto-balance
- Infra-red photocell
- Interlocking relay
- Adjustable sensitivity
- 3-part design for ease of assembly and transportation

3. HOURS OF WORK

3.1 The Service Provider shall undertake to carry out the maintenance process only during normal working hours.

4. PERSONNEL SUITABILITY CHECK

4.1 It is a specific condition of this contract that Service Provider and his/her personnel will be security screened.

4.2 Should it happen that the SADPMR's security official remove personnel from the site for security reasons, Service Provider shall do so. The SADPMR's security officials shall thereafter ensure that such personnel be denied access to the SADPMR premises and/or to any documents or information relating to be classified.

4.3 No additional costs arising out of the foregoing shall be borne by the SADPMR.

5. VETTING REQUIREMENTS AND LEGAL INDEMNITIES

5.1 The Service provider must agree to the following terms before the signing of the Service Level Agreement.

5.1.1 Security vetting will be conducted by the relevant authorities with regard to certain identified personnel, e.g every director of the company or member of the close corporation, as well as technicians who will be working at the SADPMR site, the level of the security clearance will be determined by Minimum Information Security Standards (MISS).

5.1.2 Signing of a Declaration of Secrecy by the Directors of the company or Members of the Close Corporation, as well as Technicians will be required.

5.1.3 Signing of indemnities with regard to the services to be rendered, e.g. loss of life or injury to be sustained by Service Provider personnel during the execution of their duties and any other legal claims resulting from acts or omissions committed by security personnel against third parties.



**SOUTH AFRICAN DIAMOND AND
PRECIOUS METALS REGULATOR**

6. REQUIREMENTS

6.1 The service required will be based on a call out fee. The following table outlines the expected service:

COST DESCRIPTION	UNIT	RATE
Standard Call – out Rate (Refer to call-out rates)	Hour	
Hourly Rate (Technician) (Refer to standard rate of a technician per call out fee)	Hour	
After Hours: Monday –Friday -17h00 – 18h00, Weekends & Public Holidays	Each	
Equipment Repairs		Labour rate applies, excludes cost of spares / material
Travelling		km / plus labour rate
Toll fees		Included

6.2 MANDATORY REQUIREMENTS



SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR

The company must have a PSIRA registration, failure to submit the certificate will constitute automatic disqualification.

6.3 EVALUATION METHODOLOGY / CRITERIA

The evaluation of the project will be in two phases i.e. functionality as well as price.

6.3.1 PHASE 1: FUNCTIONALITY CRITERIA

Description of item	Requirements	Weighting
Company experience	Company experience (Minimum 5-year experience in supplying, commissioning, assembling, delivering in similar projects) 1-2 years= 5 points; 3-5 years= 10 points; 5-15 years= 15 points; more than 15-20 years = 25 points	25
Technician experience/Team Leader	The team leader should have qualifications, skills and years of experience commissioning, assembling, delivering and designing in similar projects) (Attach CV) 1-3 years=10 points; 4-6 years= 20 points; 7-10 years= 25 points	25
Reference letters	Track record in performing similar projects. The service provider should submit three (3) reference letters from the previous similar projects that they have undertaken. The Reference Letters from the clients must include: <ul style="list-style-type: none"> • Company Letter Head; • Signed 1-2 reference letters= 5 points 3-5 reference letters= 10 points; 5 and more reference letters= 15 points	15
Project plan/methodology with time frames	Project plan: 10 points Project methodology:15 points	25
Infrastructure	Municipality bill or Lease agreement; with contacts and address; office based in Gauteng. Location: 5 points	5
Due diligence	Site inspection will be conducted Due diligence: 5 points	5

NB: ONLY BIDDERS OBTAINING 60 POINTS FOR MORE SHALL PROCEED TO PHASE TWO OF EVALUATION WHICH IS PRICE AND PREFERENCE POINTS.



**SOUTH AFRICAN DIAMOND AND
PRECIOUS METALS REGULATOR**

6.3.2 PHASE TWO EVALUATION

6.3.2.1 Price determination and evaluation

6.3.2.2 Price Evaluation: Project Cost

Provide fixed price quotation.

Cost must be VAT inclusive and quoted in South African Rand.

6.3.2.3 Preference Evaluation: Historically Disadvantaged Individuals

Provision of the Preferential Procurement Policy Framework Act (PPPFA), Act 5 of 2000 and its regulations 2017 will apply in terms of awarding points.

Preference Points Claim Form, SBD 6.1 should be completed and signed by the bidder to be able to claim preference points.

Calculation of points for B-BBEE status level contributor.

Points will be awarded to a bidder for attaining the B-BBEE status level of contributor in accordance with the table below:

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

Failure to submit a certificate/sworn affidavit (where applicable) from accredited verification agency stating the B-BBEE level of contribution will result in the bidder scoring zero (0) out of the allocated maximum points for B-BBEE.

7. Enquiries



**SOUTH AFRICAN DIAMOND AND
PRECIOUS METALS REGULATOR**

7.1 In the event where a service provider has enquiries regarding the technical aspects of this project, please contact Ms C Khadiamovha cynthiak@sadpmr.co.za, Mr M Makume mmolokim@sadpmr.co.za,



BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.



SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?
YES/NO

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

I, _____ the _____ undersigned,
(name)..... in submitting the
accompanying bid, do hereby make the following statements that I certify to be true
and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 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.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

² 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.



**SOUTH AFRICAN DIAMOND AND
PRECIOUS METALS REGULATOR**

- 3.6 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder



**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:

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

1.2

- a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the80/20..... preference point system shall be applicable;

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

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

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

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



SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level means of the contributor”** 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;

- (c) **“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;
- (d) **“Broad-Based Black Economic Empowerment means the Broad-Based Act”** Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“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;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“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;
- (j) **“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 PREFERENCE POINT SYSTEMS

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

80/20

$$\left(\frac{Ps = 80 \left| 1 - \frac{Pt - P_{\min}}{P_{\min}} \right|}{P_{\min}} \right)$$

Where

- Ps = Points scored for price of bid under consideration
- Pt = Price of bid under consideration
- Pmin = 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:



SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR

B-BBEE Status Level of Contributor	Number of Points (80/20)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-Compliant Contributor	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 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:

- What percentage of the contract will be subcontracted..... %
- The name of the subcontractor.....
- The B-BBEE status level of the subcontractor.....
- Whether the sub-contractor is an EME or QSE (***Tick applicable box***)

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

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

Designated Group: an EME or QSE which is at least 51% owned	EME	QSE
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		



**SOUTH AFRICAN DIAMOND AND
PRECIOUS METALS REGULATOR**

Any QSE

--	--

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-BBE 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:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) 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;
- iv) 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 –



**SOUTH AFRICAN DIAMOND AND
PRECIOUS METALS REGULATOR**

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) 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;
- (d) 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
- (e) forward the matter for criminal prosecution.

WITNESSES

- 1.
- 2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

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



SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR

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



**SOUTH AFRICAN DIAMOND AND
PRECIOUS METALS REGULATOR**

4.4.1	If so, furnish particulars:
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SBD 8

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND
CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN
AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder



**SOUTH AFRICAN DIAMOND AND
PRECIOUS METALS REGULATOR**

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 *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:

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)



**SOUTH AFRICAN DIAMOND AND
PRECIOUS METALS REGULATOR**

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 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.



**SOUTH AFRICAN DIAMOND AND
PRECIOUS METALS REGULATOR**

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.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

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.

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.



**SOUTH AFRICAN DIAMOND AND
PRECIOUS METALS REGULATOR**

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