



Supply Chain Management Division
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REQUEST FOR QUOTATION (RFQ)

RFQ NUMBER:	RFQ/LOG/2022/64
TENDER COLLECTION OR ISSUE DATE	13 June 2022
RFQ DESCRIPTION	PROVISION OF PEST CONTROL SERVICES FOR SABC NW FOR A PERIOD OF THREE (3) YEARS
CLOSING DATE & TIME	01 July 2022 @12:00

Submissions must be logged in the SABC Tender Box at the
SABC North West,
Corner Dr Albert Luthuli Drive and James Moroka Drive,
Mmabatho

OR

Electronic submission to: RFQSubmissions@sabc.co.za

For queries, please contact **Namhla Siko** 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: _____

South African Broadcasting Corporation SOC Limited: Registration Number: 2003/023915/30
Non-Executive Directors: Mr B E Makhathini (Chairperson); Ms M Mohlala-Mulaudzi (Deputy Chairperson); Prof S Cooper; Adv M B B Lekalakala; Mr D M Maimela; Mr M G Markowitz; Mr D K Mohuba; Ms J Patel; Mr J H Phalane; Ms M B Papayya; Dr M Socikwa
Executive Directors: Mr M T Mxakwe (Group Chief Executive Officer); Mr I C Plaatjes (Chief Operations Officer); Ms Y van Biljon (Chief Financial Officer);
Company Secretary: Ms L V Bayi

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 submissions should be prominently marked with the following details in the email subject line:
 - **RFQ and bidders' name.**
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.

NB: THE BIDDER SHOULD ENSURE THAT LINKS FOR WETRANSFER AND GOOGLE DROP BOX EXPIRE AFTER 30 DAYS OF THEIR SUBMISSIONS INSTEAD OF SEVEN DAYS

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REQUIRED DOCUMENTS

- 1.1 Submit proof CSD registration (Bidder must be registered with CSD in order to do business with the SABC)
- 1.2 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).
- 1.3 Valid Tax Clearance Certificate or SARS “Pin” to validate supplier’s tax matters
- 1.4 Original or Certified copy of Valid BBBEE Certificate (from SANAS accredited Verification Agency)
- 1.5 All EME’s and 51% black Owned QSE’s are only required to obtain a **sworn affidavit** on an annual basis, confirming the following;
 - 1.5.1 Annual Total Revenue of R10 Million or less (EME) or Revenue between R10 Million and R50 Million for QSE
 - 1.5.2 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.

- 1.6 Certified copy of Company Registration Document that reflect Company Name, Registration number, date of registration and active Directors or Members.
- 1.7 Certified copy of Shareholders’ certificates.
- 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

PROVISION OF PEST CONTROL FOR SABC NW FOR PERIOD OF 36 MONTHS

1. BACKGROUND

SABC NW is situated in Mafikeng Corner Albert Luthuli and Dr James Moroka drive. The building occupies only 24 000 m² of the area and the rest within 8 hectares area is parking space and gardens. The building is also surrounded by lawn and flower rockeries

South African Broadcasting Corporation (SABC) as a national public broadcaster has a mandate to broadcast to the nation as a whole. The SABC seeks to appoint a supplier of Pest control to ensure business continuity of broadcasting operations. There is a need to continuously maintain treatment of rodent, cockroaches and other associated insects. This will form part of compliance to occupational health and safety act (OHS ACT). The act requires that public building need to be treated with necessary chemical at least once in a month.

2. SCOPE OF SERVICES

Maintenance which includes but not limited to the following:

- Maintenance on monthly basis and issuing of treatment report
- maintenance and control of rodent/ mouse/rat
- Termite extermination control;
- Maggots control;
- Fly extermination and control;
- Pest control in specified areas such as canteens;
- Fumigation of kitchens on office floors o Cockroach control
- Fumigation/Control of potential infestation areas;
- Maintenance on an as a when required basis
- Disinfection of viral infected facilities (fogging)) e.g. covid-19
- Removal of dead birds, rodents or all vermin and cleaning and disinfecting
- Seasonal Bees management (seasonal)
- To supply and maintain bait boxes on strategic points
- To respond to call-outs

3. REQUIREMENTS AND CONTRACT DURATION

The Service Provider will be required to provide a comprehensive Pest Control Services.

The contract is for a period of three (3) years.

PERSONNEL REQUIREMENTS

- All personnel deployed must be trained and in accordance with AGRISETA standards and SAQA.
- With every deployment for fumigation, as a minimum requirement, there must always be one (1) Licensed Operator and one (1) additional technician//assistant.

MATERIALS AND CHEMICALS FOR PEST CONTROL

- The Contractor shall supply all chemicals, tools, labour and all equipment necessary for the proper execution of pest control services. Chemicals used must comply with requirements of relevant government authorities and be the least toxic and harmless to humans, eco- friendly chemicals and SABS approved.
- The Contractor is to furnish names of all chemicals/insecticides to be used with the authorities' approval to SABC within 1 month from the award of the contract. Only chemicals approved by the Department of Environment are allowed for application in the premises. It is also the Contractor's responsibility that chemical usage does not defer from laws and regulations stipulated by the local government.
- All insecticides and chemicals must be used discretely. Treatment should not cause damage or be corrosive to the buildings, equipment and electrical appliances.
- The Contractor must provide the relevant Material Safety Data Sheets (MSDS) for ALL chemicals used in and around SABC premises. It is also the Contractor's responsibility to ensure that an updated list and MSDS be provided to SABC should there be a change.

REGULATORY REQUIREMENTS

It is mandatory that the Pest Control Contractor is compliant with the following regulations:

- 5.1 Food Safety Act
- 5.2 Food Safety (General Food Hygiene) Regulations
- 5.3 Occupational Health & Safety Act (85 of 1993)
- 5.4 The Regulations for Hazardous Chemical Substances
- 5.5 Agricultural Pests Act
- 5.6 Fertilizers, Farm Feeds, Agricultural Remedies Act
- 5.7 Natural Environmental Management Act
- 5.8 Foodstuffs, Cosmetics and Disinfectants Act
- 5.9 All other applicable regulations

4. Special ad hoc Adhoc requests

- Seasonal Bees management
- Removal of dead birds, rodents or all vermin and cleaning and disinfecting

of the area as and when required

5. Equipment

The SABC shall not provide any equipment relating to Petrol Control Services for the duration of the contract. Service provider must provide all equipment to render the service efficiently.

6. Access to Building for Services

The contractor shall have access to the SABC buildings under the scope of work in order to Pest Control serves in terms of contract during agreed specified schedule as prescribed by the SABC.

7. VETTING

SABC is a National Key Point (NKP), and it is important to note that all personnel assigned to service the site will be vetted as an NKP requirement.

8. 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.

9. COSTING MODEL TO BE USED

Pricing Template enclosed on the RFQ to be used. “Annexure D”

10. EVALUATION CRITERIA

10.1 BBBEE and Price

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

10.2 Technical Evaluation

- The RFQ submission will be technically evaluated out of a maximum of **45**;
- A threshold of **35 out of the 45** has been set.
- Bidder who obtain less than **35** will not be considered for the next phase of evaluation.

10.3 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.

PAPER BASED EVALUATION CRITERIA

Evaluation Area	Evaluation Criteria	Max Points
Company Experience in Pest Control Services	<p>Bidders must submit references letter/s (NOT AWARD LETTER) with a minimum of 3 years' experience,</p> <p>Bidders must have a minimum of three (3) cumulative years of experience in delivery of Pest Control</p> <p>Each letter/s must meet ALL the following requirements in order to be accepted for evaluation.</p> <p>The reference letter must:</p> <ul style="list-style-type: none"> ➤ Be on clients company's letterhead ➤ Be signed by an authorised client representative ➤ Stipulate the client contact details (name and phone number/email) ➤ Stipulate the period/ duration of the rendering of Pest Control services. ➤ Not be older than three (3) year by the closing date of this bid. <p>Letters that do not meet all the above requirements will be automatically disqualified.</p> <p>Each reference letters from each different client will be scored points as follows.</p> <ul style="list-style-type: none"> • Less than 3 years = (0 points) • Equal to Three (3) years' experience = (10 points) • Greater than three (3) years experience = (15 points) 	15
Provide a copy of client endorsed(signed) treatment report from previous treatments	<p>Provide a copy of a client endorsed treatment report showing bidders name, for previous treatment report for previous treatments conducted.</p> <p>The treatment report must not be older than five (5) years by the closing date of this bid.</p> <ul style="list-style-type: none"> • Less than 2 treatment reports = (0 points) • 2 x treatment reports = (10 points) • 3 x treatment reports = (15 points) 	15
Personnel on site	<p>Qualified Pest Control Technician</p> <p>Provide SAPCA Certificate together with a comprehensive CV which illustrates minimum of 3 years' experience = (15 Points)</p>	15

Total		45
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Bidders who obtain less than threshold of 35 points will be disqualified and eliminated from further evaluation.

11. ADJUDICATION USING A POINT SYSTEM

- 11.1. The bidder obtaining the highest number of total points will be awarded the contract
- 11.2. Preference points shall be calculated after process has been brought to a comparative basis taking into account all factors of non-firm prices.
- 11.3. 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.
- 11.4. 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
- 11.5. Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

12. 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

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

Where

Ps = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid

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

- I. 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.
- II. 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.
- III. 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
- IV. 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.
- V. 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.
- VI. 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.
- VII. A tenderer awarded a contract may not sub-contract more than 25% 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.

13. 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.**

14. CONDITIONS TO BE OBSERVED WHEN TENDERING

- 14.1. 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.
- 14.2. No tender shall be deemed to have been accepted unless and until a formal contract / letter of intent is prepared and executed.
15. The Corporation reserves the right to:
 - 15.1 Not evaluate and award tenders that do not comply strictly with this tender document.
 - 15.2 Make a selection solely on the information received in the tenders and
 - 15.3 Enter into negotiations with any one or more of preferred Tenderer(s) based on the criteria specified in the evaluation of this tender.
 - 15.4 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.
 - 15.5 Award a contract to one or more Tenderer(s).
 - 15.6 Accept any tender in part or full at its own discretion.
 - 15.7 Cancel this RFQ or any part thereof at any time.
 - 15.8 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.

16. 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 25% 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 25% 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

ANNEXURE "E"

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	<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

Js365bW

.....
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.**

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

Js914w 2