



REQUEST FOR QUOTATION (RFP)

YOU ARE HEREBY INVITED TO SUBMIT OFFER TO THE DENEL CORPORATE OFFICE	
RFP NUMBER:	DEN465/03/03/2022/23
RFP ISSUE DATE:	24 MARCH 2023
CLOSING DATE AND TIME:	10 April 2023 @ 12:00
RFP VALIDITY PERIOD	90 Days (COMMENCING FROM RFP CLOSING DATE)
DESCRIPTION OF SERVICES	REQUEST FOR PROPOSAL (RFP) CONSULTING SERVICES: REVIEW DENEL'S GROUP SUPPLY CHAIN MANAGEMENT POLICY AND PREFERENTIAL PROCUREMENT REGULATIONS
OFFER DEPOSIT ADDRESS	DENEL CORPORATE OFFICE RECEPTION TENDER BOX 1 NELMAPIUS RD, IRENE, CENTURION <i>NB* tender box accessible week days from 07:30 to 16:00 only</i>
PROCUREMENT ENQUIRIES	Name: Ayanda Gxumisa Tel: (012) 671 1110 Email: Ayandag@denel.co.za



TECHNICAL ENQUIRIES

Name: Brian Rapuling

Tel: (012) 671 2602

Email: Brianr@denel.co.za

BIDDER NAME:

COMPANY REGISTRATION NUMBER:

CSD NUMBER:

ADDRESS:

.....

.....

CONTACT PERSON:

TEL:

FAX:

E-Mail:

Mobile:



RFP SPECIFICATIONS TO FOR CONSULTING SERVICES: REVIEW DENEL'S GROUP SUPPLY CHAIN MANAGEMENT POLICY AND PREFERENTIAL PROCUREMENT REGULATIONS

1. COMPANY BACKGROUND

Denel is a South African State-Owned Company (SOC) that provides innovative defence, security, aerospace and related technology solutions, as a strategic partner to the South African National Defence Force (SANDF). The state-owned but commercially driven company provides a wide range of sophisticated services and solutions that enhance the value of its products for the export market globally.

Denel's solutions are designed to meet unique user requirements and provide full lifecycle support. Its products and capabilities include conceptualising, designing, developing, integrating and supporting artillery, munitions, missiles, aircraft maintenance, unmanned aerial vehicle systems and optical payloads based on high-end technology. Its defence capabilities date back more than 70 years when some of Denel's first manufacturing plants were established.

The company's core operating divisions are predominantly clustered in various locations around the Gauteng Province, the economic hub of the country, as well as in the Western Cape Province. These divisions include:

- Denel Dynamics, which manufactures missiles, guided weapons, Unmanned Aerial Vehicles (UAVs). It is also responsible for the SA Army's Ground Based Air Defence System (GBADS) and house command and control capabilities.
- Denel Pretoria Metal Pressings (Denel PMP) in Pretoria West manufactures small and medium caliber ammunition, brass products, detonics, power cartridges and mining drill bits.
- Denel Land Systems (DLS) a systems integrator that manufactures and supports land systems combat equipment. DLS incorporates Denel Mechem which specialises in explosive remnants of war clearance solutions, canine solutions, ballistic /mine protected vehicles and field facilities services.
- Denel Aeronautics the leading aerospace company in Africa and a powerhouse in design and MRO solutions to the military and commercial sectors on the continent incorporating Denel Technical Academy which provides Aviation and Engineering Training across all disciplines for the past 50-years.
- Denel Vehicle Systems incorporates 3 business units - OMC, Gear Ratio and Mechatronics. OMC is a manufacturer of armoured vehicles and provides maintenance, upgrades and retrofits of military vehicles. Gear Ratio manufactures components for transmissions and drivelines. Mechatronics designs and manufactures weapons systems, surveillance equipment, as well as sighting and fire control



systems.

The Denel Group further boasts a world-class testing facility, Denel Overberg Test Range, located in the scenic Overberg region of the Western Cape. Supporting all these divisions is the Denel Corporate Office (Headquarters) and Denel Properties in Irene, Centurion

2. REQUIREMENTS BACKGROUND

DESCRIPTION OF THE REQUIRED SERVICES

On 4 November 2022, the Minister of Finance gazetted the new Preferential Procurement Regulations (2022 Regulations) under the Preferential Procurement Policy Framework Act, 2000 (PPPFA). This was aimed at aligning the regulations to the February 2022 Constitutional Court judgement. As a result, all organs of state, inclusive of Denel are required to align their procurement policies accordingly. Denel is looking for established service providers, who will be able to provide the services outlined in the scope of work.

QUALIFICATION REQUIREMENTS

The bidder must comply with ALL of the bid qualification requirements in order for the bid to be accepted for evaluation. **Note: Failure to meet the above requirements will result in automatic disqualification**

- Valid tax clearance certificate or an access pin to SARS e-filing of tenderer and subcontractor
- Central Supplier database proof of registration (provide documentation)
- Certified copy of the Company Registration with CIPC (Submit proof).
- Current Banking Details, Cancelled Cheque or Original letter from the Bank issued on a bank letterhead with stamp.
- The bidder to submit proof of registration with the Commissioner for Compensation for Injuries and Diseases Act (COIDA) (Certificate to be Valid during awarding of tender).
- Copy of the organization's share holder agreement (if applicable), and Certified copies of all share holder certificates and ID copies.



- For JV's, a copy of the joint venture agreement or consortia which submit joint Tenders.
- Compliance of the tender:
 - Bidders have submitted all returnable documentation to Denel.
 - Documents are duly authorized /signed.
 - Adhere to the 2 envelop process has been duly complied with.
 - Bidders must present a list of all envisaged Sub-Contractors (first tier service providers)

SCOPE OF WORK

The purpose of this RFT is to invite prospective service providers who are suitably qualified and experienced to provide the following services but not limited to:

- i. Align the Preferential Procurement Regulations court rulings to Denel's Procurement Policy to enable a comprehensive Procurement Policy, inclusive of a Preferential Procurement Policy vertical
- ii. Align Denel's business objectives to that of the defined Preferential Procurement Policy
- iii. Analyse and review all applicable legislation impacting the envisaged Preferential Procurement Policy
- iv. Provide a report of all the changes, their impact on the current policy and advisory services on the legal implications.

Draft and document a Denel Group Preferential Procurement Policy that is aligned to PPPFA Act (2000) and the PPR 2022

3. REQUIREMENTS:

Item	Description	QTY per	Total Qty
0010	Consulting Services: Review Denel's Group Supply Chain Management Policy and Preferential Procurement Regulations	1	1



4. INFORMATION SESSION

Site visit: N/A

5. PERIOD / DURATION OF PROJECT / ASSIGNMENT

Three (3) months project.

6. PREFERENTIAL PROCUREMENT POINTS ALLOCATION

The Preferential Procurement Regulations points to be allocated to this RFP is: **80/20**

7. EVALUATION CRITERIA

Only those Tenderers which score points equivalent to 70% **or higher (out of a possible 100%)**. Tenderers are required to submit supporting documentation as testimony to their compliance with each requirement, where applicable. The Technical Criteria that will be used is as follows:

Description	Scoring matrix	Points	Maximum weighting
	Capacity and Relevant Experience:		
Bidders must have demonstrable experience of the implementation of services specified in the scope of work. Reference letters will be required from the clients and must include: <ul style="list-style-type: none"> · company name · company letter head · contact person · contact telephone numbers · details of work successfully completed 	5 References & above	25	25%
	4 References	20	
	3 References	15	
	2 References	10	
	1 Reference	5	



within the past 7 years and is relevant to the scope of work.				
	Human resource and capability -			
<p>Bidders are required to provide short competency resumes of the key staff nominated to the project. Key staff will be evaluated based on the mentioned criteria:</p> <ul style="list-style-type: none">· qualifications, areas of expertise,· competence relevant to Denel scope of work	Account Manager/ Lead criteria		60%	
	Must have at least 10 years’ experience in SCM Consulting Profession and experience in reviewing organizational process and policies for government and/or organs of state. 3 points will be deducted on CV’s without qualifications.			
	10 years or more		30	
	6 to 9 years		24	
	4-5 years		15	
	Less than <3		9	
	Legal expert criteria			
	Resource must have legal experience and in-depth knowledge in the following disciplines: PPPFA, PFMA, Treasury Notes, B-BBEE Act, RDP, Tendering process, SBD documents. Please attach relevant qualification. 3 points will be deducted on CV’s without qualifications.			
	10 years or more		30	
	6 to 9 years		24	
	4-5 years		15	
	Less than <3		9	



Project approach and execution			
The project has a deadline of three months post contracting. The Service provider must provide a plan reflecting the detailed approach, milestones and timelines for execution	Timelines within one month	15	15%
	Timelines within two months	10	
	Timelines within three months	5	
	No Timelines	0	

8. SPECIAL REQUIREMENTS/ PRE-QUALIFICATION

- BID IS OPEN ONLY TO SOUTH AFRICAN REGISTERED COMPANIES**

9. Delivery Schedule

Item	Description	Total Qty	Implementation date
0010	Consulting Services: Review Denel's Group Supply Chain Management Policy and Preferential Procurement Regulations	1	15-Jun-23

NB: Suppliers must confirm in their quotations that they can comply with the above delivery/ start schedule, or if unable to, provide an alternative delivery schedule as indicated.

SBD 6.1

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
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

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

1.3 Points for this bid shall be awarded for:

- (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

- (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 of contributor"** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (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 Act"** means the Broad-Based 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 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

80/20 or 90/10

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Level Contributor	Status of	Number of points (90/10 system)	Number of points (80/20 system)
1		10	20
2		9	18
3		6	14
4		5	12
5		4	8
6		3	6
7		2	4
8		1	2



Non-compliant contributor	0	0
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5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(***Tick applicable box***)

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

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted.....%

ii) The name of the sub-contractor.....

iii) The B-BBEE status level of the sub-contractor.....

iv) 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 last 51% owned by:	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		
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 –
 - (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:



DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his or her representative:
.....

2.2 Identity Number:

2.3 Position occupied in the Company (director, trustee, shareholder²):
.....

2.4 Company Registration Number:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

¹"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the



meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces;
- or
- (e) Parliament.

²"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder

YES / NO

presently employed by the state?

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

.....

Name of state institution at which you or the person connected to the bidder is employed :

.....

Position occupied in the state institution:

.....

Any other particulars:

.....

.....

.....

2.7.2 If you are presently employed by the state, did you obtain

YES / NO

the appropriate authority to undertake remunerative work outside employment in the public sector?

2.7.2.1 If yes, did you attached proof of such authority to the bid

YES / NO

document?

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

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



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

2.8 Did you or your spouse, or any of the company's directors /

YES / NO

trustees / shareholders / members or their spouses conduct
business with the state in the previous twelve months?

2.8.1 If so, furnish particulars:

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

2.9 Do you, or any person connected with the bidder, have
any relationship (family, friend, other) with a person
employed by the state and who may be involved with
the evaluation and or adjudication of this bid?

YES / NO

2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder,
aware of any relationship (family, friend, other) between
any other bidder and any person employed by the state
who may be involved with the evaluation and or adjudication
of this bid?

YES/NO

2.10.1 If so, furnish particulars.

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

2.11 Do you or any of the directors / trustees / shareholders / members

YES/NO

of the company have any interest in any other related companies
whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:

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

3 Full details of directors / trustees / members / shareholders.



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

4 DECLARATION

I, _____ THE _____ UNDERSIGNED
(NAME).....

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

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

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>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <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"/>
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

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:



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

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

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of:
_____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;



3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (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.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

SBD 9

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

10. STANDARD CONDITIONS OF THE BID

- i. Bidders must complete **SBD 4, SBD 6.1, SBD 8 and SBD 9** forms;
- ii. Bidders must also submit a **valid Tax Clearance Certificate**; and a **valid B-BBEE Certificate** (original or certified copy) to the DCO offices PRIOR to the closing date.
- iii. It is the responsibility of prospective bidders to ensure that their **CSD Registration** is active and updated as this serves as a prerequisite for submission of their proposals.
- iv. It is the responsibility of prospective bidders to ensure that all bid documents are submitted before the closing time and date of the Bid;
- v. Bid submissions received after closing time and date will be classified as **LATE** and will **NOT** be considered;



- vi. Although adequate thought has been given in the drafting of this document, errors may occur which the DCO will not be responsible for;
- vii. Any change of information provided in the bid document that may affect delivery of the service should be brought to the attention of DCO as soon as possible. Failure to comply with this may result in the contract or order being terminated;
- viii. Service providers presenting information intentionally incorrectly or fraudulently will be disqualified;
- ix. Service providers who have been declared insolvent and wish to do business with the DCO must have been rehabilitated and provide the necessary proof thereof;
- x. The DCO reserves the right to award, cancel or partially award a contract or order.
- xi. Bidders must complete and attach all relevant standard bid document;
- xii. All prices quoted must be VAT inclusive;

11. CLOSING DATE AND TIME

The closing date for the RFP is **30 March 2023 at 12h00.**

Proposals should be sent to:

**DENEL CORPORATE OFFICE RECEPTION TENDER BOX
1 NELMAPIUS RD, IRENE, CENTURION**

NB* *tender box accessible week days from 07:30 to 16:00 only*