



SCM Division
Radio Park, Henley Road
Auckland Park 2092
Johannesburg
Private Bag X1
Auckland Park 2006
Tel. +11 714-4764
Fax + 11 714-4000
URL www.sabc.co.za
E-mail: NemukulaN@sabc.co.za

REQUEST FOR QUOTATION (RFQ)

RFQ	RFQ/NEW/2022/46
RFQ ISSUE DATE	25 APRIL 2022
RFQ DESCRIPTION	LEASING OF OFFICE SPACE FOR SABC TSHWANE OFFICE FOR A PERIOD OF FIVE (5) YEARS
NON-COMPLUSORY BRIEFING SESSION	29 APRIL @11h00 VIA MS TEAMS Click here to join the meeting
CLOSING DATE & TIME	16 MAY 2022 AT 12H00

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

PLEASE NOTE THAT AS FROM 01 JULY 2016 COMPANIES THAT ARE NOT REGISTERED WITH CSD SHALL NOT BE CONSIDERED

For queries, please contact **Nyandano Nemukula** on this email tenderenquiries@sabc.co.za
The SABC requests your quotation on the services listed above. Please furnish us with all the information as requested and return your quotation on the date and time stipulated above. Late and incomplete submissions will invalidate the quote submitted.

SUPPLIER NAME: _____

POSTAL ADDRESS: _____

TELEPHONE NO: _____

FAX NO. : _____

E MAIL ADDRESS: _____

CONTACT PERSON: _____

CELL NO: _____

SIGNATURE OF BIDDER: _____

NOTES ON QUOTATIONS AND PROPOSALS SUBMISSION

1. All electronic submissions must be submitted in a **PDF** format that is protected from any modifications, deletions, or additions.
 2. Financial/pricing information must be presented in a **separate** attachment from the Technical / Functional Response information.
 3. The onus is on the Bidder to further ensure that all mandatory and required documents are included in the electronic submission.
 4. All submissions should be prominently marked with the following details in the email subject line:
 - **RFQ Number 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 7 DAYS.**

REQUIRED DOCUMENTS

- 1.1 Submit proof CSD registration
- 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 BBEE 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;
 - 1.4.1 Annual Total Revenue of R10 Million or less (EME) or Revenue between R10 Million and R50 Million for QSE
 - 1.4.2 Level of Black Ownership

Note 1:

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

Note 2:

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

- 1.6 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.

1. BACKGROUND

The SABC is a South Africa's national public broadcaster. The company's objectives are to provide a comprehensive range of distinctive programmes and services with the view to inform, educate, entertain, support and develop culture in all 11 official languages. Currently, the company's principal activities comprise of Television and Radio broadcasting utilising 19 radio stations and 5 television channels. All these offerings should be kept running for 24 hours a day in line with the mandate and agreed strategic operations parameters of the organisation

2. SCOPE OF WORK

1. Specific requirements

Suitability:

- Property must be located in Tshwane (Hartfield and surrounding areas)
- Total useable area should be approximately 200m² Grade A office
- Parking Space allocation of 15 parking bays
- Must have accurate drawings for all services in cad format
- Must have a Certificate of occupancy (COO)
- Must have a Certificate of compliant (COC)
- Building must be accessible to the public including bus accessibility.
- Building must Comply with Fire Safety Standards and should be able to accommodate people living with disability.
- Visibility of the site is important.

1.2 The SABC requires a building of approximately 200m² grade A office space that contains the following or open plan space that will be adaptable for alterations to suite the following:

No	Requirement	Size	Total
1.	1 x Reception Area (accessible by wheelchair users).	15m ²	15m ²
2.	1 x Kitchen	10m ²	10m ²
3.	1 x 10-Seater Boardroom (Staff and Management meetings)	30m ²	30m ²
4.	1 x Edit Studio	15m ²	15m ²
5.	1 x VIP/ TV/ Green Room Accessible by wheelchair users.	15m ²	15m ²
6.	1 x Storeroom / Equipment/ Technical Support Area	20m ²	20m ²
7.	1 x Open Plan office (8 desks seating)	80m ²	60m ²
8.	1 x Enclosed Office	20m ²	20m ²
9.	Common areas & Ablution facilities (Male and Female Toilets accessible by wheelchair users).	15m ²	15m ²
10	Parking Bays	15 Bays	15 Bays

N.B: Safety files will be required where necessary.

3. DURATION OF THE CONTRACT

Lease of workspace for SABC Tshwane office for period of five () years.

4. TECHNICAL REQUIREMENTS

1.1. Parameters

- Lease: Office space
- SABC Requirement for Office Space as follows:

Property street address

- Owner's name, address, city, postal code, telephone, and e-mail
- Representative name, telephone, and e-mail
- Details of all partners to this offer

1.2. Layout drawings in Computer Aided Design (CAD) format for all services.

The owner shall provide detailed layout drawing in CAD formats and photos of the existing building which includes but not limited to HVAC, Electrical, Mechanical and Architectural. These will allow the SABC to compare the drawing to the specification and includes all areas required for the building to be functional.

1.3. Floor Area

The owner shall provide the floor area as defined by the South African Property Owners Association (SAPOA) - Method for measuring floor areas in commercial and industrial buildings.

1.4. Location

Location to be in Tshwane (Hartfield or Acardia)

1.5 Mandatory Documents

Certificate of compliance (COC)

2. Specific requirements

Suitability:

- Property must be in Tshwane (Hartfield or Acardia)
- Total useable area should be approximately 200m²
- Parking Space allocation of 15 parking bays

- Must have accurate drawings for all services in cad format
- Must have a Certificate of occupancy
- Must have a Certificate of compliant (COC)
- Building must be accessible to the public including bus accessibility.
- Visibility of the site is important.

The office space must be able to accommodate the following other requirements:

3. Office space & Other Space Requirements (200m²)

N o	Description	Requirements	Comply/ not Comply	Reference page of compliance
1.	1 x Reception Area (accessible by wheelchair users).	15m ²		
2.	1 x Kitchen	10m ²		
3.	1 x 10-Seater Boardroom (Staff and Management meetings)	30m ²		
4.	1 x Edit Studio	15m ²		
5.	1 x VIP/ TV/ Green Room Accessible by wheelchair users.	15m ²		
6.	1 x Storeroom / Equipment/ Technical Support Area	20m ²		
7.	1 x Open Plan office (8 desks seating)	80m ²		
8.	1 x Enclosed Office	20m ²		
9.	Common areas & Ablution facilities (Male and Female Toilets accessible by wheelchair users).	15m ²		
10	Parking Bays	15 Bays		

4. Other requirements

No.	Requirements	Comply/Not Comply	Reference page on compliance
1.	Water and Electricity Supply The municipal water and electrical supply should be metered separately. The installation is to comply with all relevant regulations and by-laws.		
2.	Lightning Protection The building shall have sufficient lightning protection. Configuration as required by the National Building Regulations.		
3.	Lighting		

	<p>All interior lighting shall conform to SABS 0114-1:1996. The lighting design shall take into consideration the type of work that will be performed which includes general office work and computer-based work areas</p> <p>Each functional area shall have independent control of lights and emergency lights shall comply with the National building regulations.</p>		
4.	<p>Data and Telephone Cabling</p> <p>The building should <u>allow for the installation</u> of adequately cabling for the installation of ITC and telephone equipment.</p>		
5.	<p>Heating, Ventilation, and air conditioning</p> <p>The ventilation of the building must be in accordance with the Occupational Health and Safety Act, 1993 (Act 85 of 1993).</p> <p>The building should be fully air-conditioned and the air conditioning system should be sufficiently adequate to provide a summer / winter working environment compliant to industry standards.</p>		
6.	<p>Ablution's facilities to adhere to the National Building Regulations Act</p> <p>Staff ablutions to include:</p> <ul style="list-style-type: none"> ▪ Waste container ▪ Hand-wash basin with hot and cold water including a waterproof vanity slab around the basin ▪ Mirror 		
7.	<p>Security</p> <p>A safe working environment in case of campus setup.</p>		
8.	<p>Amenities</p> <p>Fully Air-conditioned offices.</p> <p>Ablution facilities to be available on all floors.</p> <p>Ablution facilities for physically disabled on all floors.</p>		
9.	<p>Maintenance of the building</p>		

	The building structure to be fully serviced and maintained by the Landlord. Standby power generator to be serviced by the landlord/Tenant.		
10.	Generators / UPS/ Chiller plants Availability of Generators, Chiller plants and UPS will be an advantage		

5. EVALUATION CRITERIA

5.1 *BBBEE and Price*

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

5.2 *Technical Evaluation*

- The RFQ submission will be technically evaluated out of a maximum of **65**.
- A threshold of **55** out of **65** has been set.
- Bidder who obtains less **55** that will not be considered for the next phase of evaluation.

5.2 *Site Inspection*

- The RFQ submission will be technically evaluated out of a maximum of **100**.
- A threshold of **50** out of **100** has been set.
- Bidder who obtains less **50** that will not be considered for the next phase of evaluation.

5.3 *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.

FIRST PHASE EVALUATION CRITERIA: PAPER BASED

Evaluation Area	Functional Criteria	Min. Points	Max. Points
Compliance with the given requirements	<p>Bidders to provide the detailed report of the following:</p> <ul style="list-style-type: none"> ➤ Water and electrical supply = 5 Points ➤ Lightning protection = 5 Points ➤ General Lighting = 5 Points ➤ Data and Telephone cabling = 5 points ➤ Heating, Ventilation and air conditioning = 5 points ➤ Amenities = 5 points. ➤ Security = 5 points ➤ Maintenance = 5 points ➤ Ablutions = 5 points <p>NB: As per detailed technical requirements</p>	45	45
Occupational Health and Safety	<p>The bidder must provide the following safety documents:</p> <ul style="list-style-type: none"> • Fire risk assessment – 10 points • Evacuation plan = 10 points 	10	20
TOTAL		55	65

SECOND PHASE SITE INSPECTION EVALUATION**1. Suitability of Building**

Description	Required Units/Dimensions	No Evidence of Facility (0 points)	Evidence of facility with 20% variance (more or less) than required dimensions	Evidence of space with equal and or within 10% variance of the required dimensions
1 x Reception Area by (accessible wheelchair users).	15m ²	0	5	5
1 x Kitchen	10m ²	0	2	5
1 x 10-Seater Boardroom (Staff and Management meetings)	30m ²	0	3	5
1 x Edit Studio	15m ²	0	3	5

1 x VIP/ TV/ Green Room Accessible by wheelchair users.	15m ²	0	2	5
1 x Storeroom / Equipment/ Technical Support Area	20m ²	0	3	5
1 x Open Plan office (8 desks seating)	80m ²	0	3	5
1 x Enclosed Office	20m ²	0	2	5
Common areas & Ablution facilities (Male and Female Toilets accessible by wheelchair users).	15m ²	0	5	5
Parking Bays	15 Bays	0	2	5
Total Points			30	50

2. Site/Accessibility

Evaluator to assess estimated distance from the main nearest public road to the identified premises location	Evidence of building /site accessible public road	Building/site not accessible by public road (0 points)	Building/site within 2km accessible by public road (10 points)	Building/site accessible by public road (20 points)

3. Security

Evaluator to assess if the property is secured by boundary wall or any form of security fence with a gate.	Evidence of boundary wall or security fence and electric fence with a gate	No evidence of boundary wall or security fence (0 points)	Evidence of boundary wall or security fence with a gate (10 points)	Evidence of boundary wall or security fence and electric fence with a gate (15 points)

4. Amenities

Evaluator to assess estimated distance from the main nearest shopping facility/centre to the premises location	Required distance - 10 Kilometers or less – Evaluator's comments	Over 15 Kilometers (0 points)	Over 10 Kilometers but less than 15 Kilometers (10 points)	10 Kilometers and less (15 points)

5. Parking Requirements

Evaluator to physically inspect parking requirements	Requirements	No Evidence of Facility (0 points)	Evidence of with 20% variance (more or less) than required dimensions (5 minimum points)	Evidence of space with equal and or within 10% variance of the required dimensions (10 maximum points)
Covered Parking Space for Employees	15 Bays			
TOTAL POINTS				

6. Summary of site visit evaluation

Sub-Criteria	Description	Minimum points	Maximum points
Site Visit	Suitability of the building	30	50
	Accessibility	5	10
	Security	5	10
	Amenities	5	10
	Parking	5	10
Total		50	100

7. ADJUDICATION USING A POINT SYSTEM

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

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

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

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

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

8. POINTS AWARDED FOR PRICE

The **80/20** preference point system

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

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

P_s = Points scored for comparative price of bid under

		Consideration
Pt	=	Comparative price of bid under consideration
Pmin	=	Comparative price of lowest acceptable bid

B-BBEE PREFERENTIAL POINTS WILL BE AWARDED AS FOLLOWS:

B-BBEE Status Level of Contributor Number of Points

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

8.1 Bidders who qualify as EME's in terms of the B-BBEE Act must submit a certificate issued by a verification Agency accredited by SANAS for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates or DTI Affidavit.

8.2 Bidders other than EMEs must submit their original and valid B-BBEE status levels verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a verification agency accredited by SANAS.

8.3 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate

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

8.5 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

8.6 A tenderer will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intend sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended Sub-contractor is an EME that has the capacity and the ability to execute the sub-contract.

8.7 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.

9. 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 tender, between the closing date and the date of the award of the business.

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

10. CONDITIONS TO BE OBSERVED WHEN TENDERING

- 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.
- No tender shall be deemed to have been accepted unless and until a formal contract / letter of intent is prepared and executed.
- The Corporation reserves the right to:

Not evaluate and award submissions that do not comply strictly with his RFQ document.

Make a selection solely on the information received in the submissions and

- i. Enter into negotiations with any one or more of preferred bidder(s) based on the criteria specified in the evaluation of this tender.
- ii. Contact any bidder during the evaluation process, in order to clarify any information, without informing any other bidders. During the evaluation process, no change in the content of the RFQ shall be sought, offered or permitted.
- iii. Award a contract to one or more bidder(s).
- iv. Accept any tender in part or full at its own discretion.

- v. Cancel this RFQ or any part thereof at any time.
- vi. Should a bidder(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, aligned to the BBBEE & Preference Point system.

11. 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

Annexed to this document for completion and return with the document:

- | | | |
|------------|---|---|
| Annexure A | - | Declaration of Interest |
| Annexure B | - | Consortiums, Joint Ventures and Sub-Contracting Regulations |
| Annexure C | - | Previous completed projects/Current Projects |
| Annexure D | - | SBD Form 8 & 9 |

ANNEXURE A

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 B

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 person awarded a contract may only enter into a subcontracting arrangement with the approval of the organ of state.
- 2.2 A person awarded a contract in relation to a designated sector, may not subcontract 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.
- 2.3 A person awarded a contract may not subcontract more than 30% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level of contributor than the person concerned, unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

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

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

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

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

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
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	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

Js365bW

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

SBD 9

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

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

SBD 9

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for 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
Js914w 2

.....
Name of Bidder