



REQUEST FOR QUOTATION

The South African Qualifications Authority (SAQA) invites all interested parties to submit bids for the requirements stipulated below:

DOCUMENT NUMBER:	SAQA RFQ (OFFSITE STORAGE)
RFQ ISSUE DATE:	11 February 2022
RFQ CLOSING DATE:	18 February 2022 @11:00
RFQ VALIDITY PERIOD	90 Days (from RFQ closing date)
DESCRIPTION:	Provision of an off-site storage facility for the records, tapes, and files for SAQA for three (3) years
PERIOD	Three (3) years
RESPONSES TO THIS RFP SHOULD BE FORWARDED TO:	E-Mail Address: rfg@saga.co.za
ENQUIRY	Mr Benedict Tefu E-Mail Address: btetu@saga.co.za

1. INTRODUCTION

- 1.1 SAQA is mandated to oversee the further development and implementation of the National Qualifications Framework (NQF) and ensure the achievement of its objectives, which pursue the full development of each learner and to the social and economic development of the nation at large. SAQA, therefore, plays an influential role in the entire education and training sector.

2. PURPOSE

- 2.1 The purpose of this Request for Quotation (RFQ) is to appoint a suitably qualified service provider for the provision of an off-site storage facility for the records and files for SAQA for three (3) years.

3. SCOPE OF WORK

- 3.1.1 The following scope of services forms part of the services component and are required in line with the standard of the service.
- 3.1.2 The prospective bidder/service provider is expected to provide a comprehensive and reliable off-site record archiving and retrieval programme, comprising of the following:
- a. The provision of storage boxes and relevant tracking labels for the records to be transferred from the SAQA offices to the off-site storage;
 - b. The collection and removal (delivery/transportation) of records, boxes and files from the SAQA offices to the off-site storage, as and when necessary;
 - c. Relocation of **+4000** existing records and files from the current off-site storage to the new off-site storage;
 - d. Hand delivery of the requested files;
 - e. Ensure that records stored off-site must be available for online and retrieval requests (online search).

South African Qualifications Authority (SAQA RFP)

- f. The bidder's storage facility should be suitable for records storage and archiving e.g.
 - i. Fire prevention and detection system should comply with the guidelines set by the fire brigade;
 - ii. Water-Based extinguishers should not be used as these will damage the records.
 - iii. Shelving and cabinets should be made from non-flammable materials
 - iv. Records should be free from water leaks
- g. The provision of safe storage facilities for SAQA's tape media and canisters.
- h. Provide one scheduled collection & delivery per week of SAQA's weekly, monthly, quarterly and yearly tape backups.
- i. The provision of 16 slots canisters for the storage of SAQA's weekly, monthly, quarterly and yearly tape media according to SAQA backup retention period for the different backups as outlined herewith:
 - i. Weekly retention of sixteen (16) LTO tape media.
 - ii. Monthly retention of sixteen (16) LTO tape media.
 - iii. Quarterly retention of sixteen (16) LTO tape media.
 - iv. Yearly retention of sixteen (16) LTO tape media.
- j. The provision for the unscheduled collection or return service of the canister and tape media that may be required for emergency requirements.
- k. Provide tamper-proof, numbered security seals for the safe marking and securing of the canisters for the duration of the service period.

4. MINIMUM MANDATORY TECHNICAL REQUIREMENTS

4.1 Service providers are required to explicitly mark either “**COMPLY**”, “**OR “DO NOT COMPLY**” on every Mandatory requirement. Failure to do so will be taken as a “**DO NOT COMPLY**”.

4.2 Service providers may where necessary, refer to additional reference material submitted by document name/number, page number and paragraph. Where a reference in substantiation is made to another page (“off-page”) in the bidder’s submission, such referenced page shall be identified by a unique reference number. During the evaluation, SAQA reserves the right to treat a question for which an “off-page” referenced substantiation page cannot be located based on such a unique reference number as a “**DO NOT COMPLY**”.

The functions below are **offsite storage minimum requirements**; if any of these functions cannot be catered for then the bidder will be non-complaint and accordingly disqualified:

4.2.1	A secure and safe archiving facility, which is suitable for the purpose and mitigate the risks associated with records storage	Comply	Do Not Comply
4.2.2	A records management system to enable the tracking and retrieval of documents	Comply	Do Not Comply
4.2.3	Retrieval services for stored records at the off-site storage facility	Comply	Do Not Comply
4.2.4	Display system to the SAQA for records stored off-site which must be available for online and retrieval requests	Comply	Do Not Comply
4.2.5	A system that has electronic approval for documents movement	Comply	Do Not Comply

South African Qualifications Authority (SAQA RFP)

4.2.6	The Facility should meet the National Archives and Records Services of South Africa requirements standards for off-site records storage facility and destruction of records and other related legislations	Comply	Do Not Comply
4.2.7	Access to the off-site storage facility should be controlled to protect records against unauthorized access, loss, damage, destruction, theft and breach of confidentiality	Comply	Do Not Comply
4.2.7	The facility should meet the National Archives and Records Services of South Africa requirements standards (NARSSA) for offsite records storage facilities and the destruction of records;	Comply	Do Not Comply

5. MINIMUM SERVICE LEVEL AND APPLICABLE PENALTIES

Minimum Service Level	Target	Penalties
High Priority Services (Emergencies)	Delivery within 2 hours from the time of the request.	15% of the next month fee for every incident
Average Priority Services (Normal)	Delivery within 6 hours from the time of the request.	10% of the next month fee for every incident
Collection of file boxes	Within 24 hours from the time of the request.	10% of the next month fee for every incident

6. PENALTY MAXIMUM LIMIT AND SERVICE LEVEL DISPUTES

- 6.1.1 The maximum penalties for poor performance and other non-compliance to the contract will be limited to 35% of the total labour and call-out fees for that invoice fees. Furthermore, should the 35% limit be reached four (4) times during the contract

South African Qualifications Authority (SAQA RFP)

period, the SAQA reserves the right to immediately enter into a Service Dispute, that may result in the termination of the contract.

6.1.2 Notwithstanding the aforementioned, and without prejudice to any other rights that SAQA has, SAQA reserves the right to enter into Service Disputes at any point in time with the view of contract cancellation. During a Service Dispute, the service provider shall continue to render services in terms of service levels.

6.1.3 The enforcement of a penalty does not exempt the bidder from resolving a problem nor stops the repetitive levying of the penalty at the stipulated percentage value of a particular service level. The penalty shall be enforced for subsequent periods of non-performance until resolved. Only penalties will apply and no service credits will accrue.

7. SERVICE PROVIDER'S RESPONSIBILITIES

7.1 Without limiting the generality of the provisions of this SLA, the Services Provider shall have the following responsibilities, including but not limited to:

7.1.1 The appointed Services Provider must ensure that the service is executed by competent personnel, in the most time saving and effective manner possible;

7.1.2 Personnel working at the SAQA must be issued with uniform with the company's name visible.

8. SAQA'S RESPONSIBILITIES

8.1 Without limiting the generality of the provisions of this SLA, SAQA shall have the following responsibilities, including but not limited to:

8.1.1 SAQA shall ensure that the Service Provider has access to the locations and the as is reasonably required to effect the services;

8.1.2 SAQA shall ensure that Services Provider receives the necessary support and cooperation from the SAQA's employees and/or third-party Service Provider as is reasonably required to effect the services; and

8.1.3 Paying the service provider upon receiving an acceptable valid tax invoice for the services rendered.

South African Qualifications Authority (SAQA RFP)

9. PRICE SCHEDULE (SERVICES)

TOTAL COST OF OWNERSHIP PRICING SCHEDULES SBD 3.1

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED.

Name of bidder	Bid number	Closing Date and Time
	SAQA RFQ (OFFSITE STORAGE)	18 February 2022@11H00

OFFER TO BE VALID FOR 30 DAYS FROM THE CLOSING DATE OF BID.

Description		Estimated no of Boxes for evaluation purposes	Price per box	Total Service Fee
Offsite storage services	Year 1	4000	R	R
	Year 2 (Y1+Y2)	5000 (4000+1000)	R	R
	Year 3 (Y1+Y2+Y3)	5500 (5000+500)	R	R
Once off Relocation of +- 4000 existing records and files from the current off-site storage to the new off-site storage		4000	N/A	R
Total Service Fees (Year 1, 2 & 3)				R

Description		Rate
Delivery and collection fees	High Priority Retrieval (Emergencies)	
	Price for delivery	R

South African Qualifications Authority (SAQA RFP)

	Average Priority Retrieval (Normal)	
	Price for delivery	R
	Collection of boxes Price per trip	R
The monthly system access fee for 2 x people		R

RFQ Special Conditions

- The quotation must be valid for 30 days.
- Service providers must state their National Treasury (CSD) Central Supplier Database's Supplier Number or Unique number and Tax Pin in their bids to enable SAQA to verify their tax compliance status.
- Service providers are required to submit an original or certified copy of the B-BBEE certificate or Sworn Affidavit for EMEs and QSEs as per the B-BBEE Act. SANAS Logo should be visible on the B-BBEE certificate.
- Service providers must complete, sign and submit SBD 4, SBD 6.1, SBD 8 and SBD 9 forms.
- The quotation and required documents must be submitted through email.
- The RFP will be evaluated either in terms of the 80/20 preference point system prescribed by the Preferential Procurement Regulation 2017 or price only based on its threshold.
- All proposals and documents must be in a PDF format and emailed to rfq@saqa.co.za

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 presently employed by the state? **YES / NO**

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 the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES / NO**

(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 / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

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?

2.10.1 If so, furnish particulars.

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES/NO

2.11.1 If so, furnish particulars:

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

[illegible]

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

May 2011

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	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
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) **“price”** 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. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

4. POINTS AWARDED FOR PRICE

4.1 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

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

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

P_{min} = Price of lowest acceptable bid

4.2 FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME-GENERATING PROCUREMENT

4.3 POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:
80/20 or **90/10**

$$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) \text{ or } Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of bid under consideration
 Pt = Price of bid under consideration
 Pmax = Price of highest acceptable bid

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

- 5.1 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 Status Level of Contributor	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

6. BID DECLARATION

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

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

- 7.1 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.)

8. SUB-CONTRACTING

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

(Tick applicable box)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

- 8.1.1 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 least 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	☐	☐

9. DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm:.....

9.2 VAT registration number:.....

9.3 Company registration number:.....

9.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited
- [TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

9.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business:.....

9.8 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:

ADDRESS

.....

.....

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the homepage.	Yes ☐	No ☐
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 ☐	No ☐
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 ☐	No ☐
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 ☐	No ☐
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

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

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