#### FORM A1: CERTIFICATE CONFIRMING THAT THE TENDERER READ THE PRESENTATION BRIEFING OR ATTENDED THE COMPULSORY CLARIFiCATION MEETING

**CONTRACT SANRAL R.573-020-2019/3S**

**Note to Tenderer:**

1. **Scan a copy of completed and signed Certificate on the flash drive.**

This is to certify that I,

representative of (insert name of tenderer)

of (address)

telephone number

fax number

e-mail

Read the tender presentation presented by the Employer online.

#### FORM A1.1: CERTIFICATE OF INTENTION TO SUBMIT A TENDER

**CONTRACT SANRAL R.573-020-2019/3S**

**Notes to Tenderer:**

1. **The duly completed certificate of intention to submit a tender must be submitted by whoever intends to tender for this particular tender by 14 July 2023. Failure to submit the certificate of intention to tender within the required period may render the tenderer non-responsive and SANRAL does not accept responsibility for any communication not received by the tenderer timeously.**
2. **Late notification of intention to tender by a prospective tenderer will not necessarily result in the tender closing date being extended.**
3. **Should you intend to submit a tender for this particular tender please sign the certificate, scan and email the completed document to the email address indicated in T1.1 of this tender document.**
4. **The Employer shall send all correspondence, including Addenda, only to the Tenderer’s email address as provided herein.**

This is to certify that I,

representative of (insert name of tenderer)

of (address)

telephone number

fax number

e-mail

intends to submit a tender in response to the tender notice and invitation for tender this contract.

TENDERER'S REPRESENTATIVE Date …………………..

(Signature)

#### FORM A2.1: CERTIFICATE OF AUTHORITY FOR SIGNATORY

**CONTRACT SANRAL R.573-020-2019/3S**

**Notes to tenderer:**

1. **The signatory for the tenderer shall confirm his/her authority thereto by attaching on the tendering company’s letterhead a duly signed and dated copy of the relevant resolution of the board of directors/partners. Scan a copy of the resolution on the flash drive**
2. **In the event that the tenderer is a joint venture, a certificate is required from each member of the joint venture clearly setting out:**

* **authority for signatory,**
* **undertaking to formally enter into a joint venture contract should an award be made to the joint venture,**
* **name of the designated lead member of the intended joint venture, as required by tender condition 4.13.2.**

1. **The resolution below is given as an example of an acceptable format for authorisation, but submission of this page with the example completed shall not be accepted as authorisation of the tenderer’s signatory.**
2. **In the event that authorisation is for more than one project, then all projects shall be listed in the copy of the resolution of the Board of Directors/Partners.**

By resolution of the board of directors/partners passed at a meeting held on

Mr/Ms whose signature appears below, has been duly authorised to sign all documents in connection with the tender for contract no. SANRAL R.573-020-2019/3S - CONSULTING ENGINEERING SERVICES FOR THE UPGRADING OF NATIONAL ROAD R573 SECTION 2: WORK PACKAGE E FROM KM 13.00 TO KM 24.70

Proforma

and any contract which may arise therefrom on behalf of *(enter name of tenderer in block capitals)*

SIGNED ON BEHALF OF THE COMPANY:

IN HIS/HER CAPACITY AS:

DATE:

SIGNATURE OF SIGNATORY:

WITNESSES: …………………………………………. ………………………………..

SIGNATURE SIGNATURE

…………………………………………. ………………………………..

NAME (print) NAME (print)

#### FORM A2.2: DECLARATION OF TENDERER’S CURRENT STATUS OF ANY DEBT OUTSTANDING TO SANRAL

**CONTRACT SANRAL** **R.573-020-2019/3S**

**Notes to tenderer:**

1. **The signatory for the tenderer (as per Form A2.1) shall complete and sign this form declaring the current status of (any) debt outstanding to SANRAL.**
2. **In the event that the tenderer is a Joint Venture, a declaration is required from each member of the Joint Venture.**

I, the undersigned, declare that:

1. the tenderer or any of its Directors/Members do not have any debt outstanding to SANRAL, other than what is listed below:

1. the tenderer and/or any of its Directors/Members freely, voluntarily and without undue duress unconditionally authorises SANRAL to set off any debts agreed to which is due and payable by the tenderer or any of its Directors/Members in terms of this declaration against any moneys due to the tenderer or any of its Directors/Members.
2. to the best of my knowledge the above information is true and accurate.

Signed and sworn before me at ………………………………………………………. on the ……….. day of

………………………………………… 20………..

………………………………………………………..

SIGNATURE

The deponent having:

1. Acknowledged that he/she knows and understands the contents hereof;
2. Confirmed that he/she has not objection to the taking of the prescribed oath;
3. That he/she considered the prescribed oath as binding upon his/her conscience; and
4. The Regulations contained in the Government Gazette Notice R1258 of July 1972 and R 1648 of August 1977 having been complied with.

………………………………………………………..

COMMISSIONER OF OATHS

#### FORM A2.3: CERTIFICATE OF SINGLE TENDER SUBMISSION

**CONTRACT SANRAL R.573-020-2019/3S**

**Notes to tenderer:**

1. **This certificate serves as a declaration by the tenderer that a single tender was submitted.**
2. **In the case of a Joint Venture (JV), a Targeted Enterprise or sub-contracted Key Person(s), a separate certificate is to be completed and submitted by each JV member, Targeted Enterprise or sub-contracted Key Person(s).**

**DECLARATION**

I, the undersigned,

in submitting the accompanying tender on behalf of the tenderer do hereby make the following statements that I certify to be true and complete in every respect:

1. I have read and understand the notes to, and the contents of, this certificate.
2. I understand that the accompanying tender and any other tender shall be disqualified in the event that I, including a Joint Venture partner, a Targeted Enterprise or a sub-contracted Key Person(s), participate in more than 1 (one) tender.

SIGNATURE: …………………………………………………………………

DATE: …………………………………………………………………

NAME: …………………………………………………………………

POSITION: …………………………………………………………………

#### FORM A2.4: CERTIFICATE OF FRONTING PRACTICES

**CONTRACT SANRAL** **R.573-020-2019/3S**

**Fronting Practices**

**Window-dressing:**  This includes cases in which black people are appointed or introduced to an enterprise on the basis of tokenism and may be:

* Discouraged or inhibited from substantially participating in the core activities of an enterprise; and
* Discouraged or inhibited from substantially participating in the stated areas and/or levels of their participation;

**Benefit Diversion:** This includes initiatives implemented where the economic benefits received as a result of the B-BBEE Status of an enterprise do not flow to black people in the ratio as specified in the relevant legal documentation.

**Opportunistic Intermediaries:** This includes enterprises that have concluded agreements with other enterprises with a view to leveraging the opportunistic intermediary's favourable B-BBEE status in circum­stances where the agreement involves:

* Significant limitations or restrictions upon the identity of the opportunistic intermediary's suppliers, Service Providers, clients or customers;
* The maintenance of their business operations in a context reasonably considered improbable having regard to resources; and
* Terms and conditions that are not negotiated at arms-length on a fair and reasonable basis.

**Responsibility to Report Fronting**

In order to effectively deal with the scourge of Fronting, verification agencies, and/or procurement officers and relevant decision makers are encouraged to obtain a signed declaration from the clients or entities that they verify or provide business opportunities to, which states that the client or entity understands and accepts that the verification agency, procurement officer or relevant decision maker may report Fronting practices to **the dti**. Intentional misrepresentation by measured entities may constitute fraudulent practices, public officials and verification agencies are to report such cases to **the dti**.

**Fronting Indicators**

|  |
| --- |
| * The black people identified by an enterprise as its shareholders, executives or management are unaware or uncertain of their role within an enterprise; |
| * The black people identified by an enterprise as its shareholders, executives or management have roles of responsibility that differ significantly from those of their non-black peers; |
| * The black people who serve in executive or management positions in an enterprise are paid significantly lower than the market norm, unless all executives or management of an enterprise are paid at a similar level; |
| * There is no significant indication of active participation by black people identified as top manage­ment at strategic decision making level; |
| * An enterprise only conducts peripheral functions and does not perform the core functions reasonably expected of other, similar, enterprises; |
| * An enterprise relies on a third-party to conduct most core functions normally conducted by enterprises similar to it; |
| * An enterprise cannot operate independently without a third-party, because of contractual obligations or the lack of technical or operational competence; |
| * The enterprise displays evidence of circumvention or attempted circumvention; |
| * An enterprise buys goods or services at a significantly different rate than the market from a related person or shareholder; |
| * An enterprise obtains loans, not linked to the good faith share purchases or enterprise develop­ment initiatives, from a related person at an excessive rate; and |
| * An enterprise shares all premises and infrastructure with a related person, or with a shareholder with no B-BBEE status or a third-party operating in the same industry where the cost of such premises and infrastructure is disproportionate to market-related costs. |

**DECLARATION**

I, the undersigned,

in submitting the accompanying tender on behalf of the tenderer do hereby make the following statements that I certify to be true and complete in every respect:

1. I have read and understand the contents of this certificate.
2. I accept that the Employer may report fronting practices to the Department of Trade and Industry and the B-BBEE Commissioner.
3. I accept that intentional misrepresentation by measured entities may constitute fraudulent practices that shall be reported to the Department of Trade and Industry and the B-BBEE Commissioner.

SIGNATURE: …………………………………………………………………

DATE: …………………………………………………………………

NAME: …………………………………………………………………

POSITION: …………………………………………………………………

#### FORM A2.5: DECLARATION – MANAGEMENT OF PROMINENT INFLUENTIAL PERSONS

**CONTRACT SANRAL** **R.573-020-2019/3S**

**Notes to Tenderer:**

1. **In line with a policy on the management of Prominent Influential Persons (PIP’s), the purpose of this declaration form is to ensure maintenance and monitoring of the business relationships with prominent, influential stakeholders who have domestic and/or foreign influence as far as the procurement under the management of the Employer is concerned. This is done to mitigate the Employer’s perceived association, reputational, operational or legal risk, as it strives to foster and maintain fair and transparent business relations. (This policy is available on the Employer’s website:** [www.nra.co.za](http://www.nra.co.za)**)**
2. **It is compulsory that all prospective and existing tenderers conducting business with the Employer, who potentially meet the definition of DPIP’s, FPPO’s or FIN’s, complete this form by supplying credible information as required and submit together with their tender document.**
3. **Tenderers are required at the tender stage to declare any DPIP’s, FPPO’s or FIN’s involved in their tenders, as part of their submission.**
4. **Further, that tenderers shall at the tender stage furnish the Employer of all information re­lating to namely, shareholders names, identity numbers and share certificates of the indivi­dual and/or transaction concerned using the form below, for verification purposes, including where applicable, confirmation as it relates to:**
   1. **Knowledge of any offence within the meaning of Chapter 2, Section 12 and 13 of Pre­vention and Combating of Corrupt Practices Act No 4 of 2006; and/or**
   2. **Knowledge of any offence within the meaning of Chapter 3 of Prevention of Organised Crime Act No 121 of 1998 as it relates to any of the shareholders, directors, owners and/or individual link to the tenderer.**
5. **Tenderers undertake that should it be discovered that the information provided in the table below is fraudulently or negligently misrepresented, then Chapter 9, Section 214 and 216 of Companies Act No 17 of 2008 shall apply to shareholders, directors, owners and/or individual link to the tenderer.**
6. **Should the tenderer fail to declare or supply the Employer with credible information in the pre­scribed form, the tender may be rendered invalid.**
7. **Should the Employer, in the process of conducting verification and investigation of infor­mation supplied by the tenderer find out that the information poses a reputational risk, the tender shall be rendered invalid.**
8. **The following definitions shall apply:**
9. **“Board” means the Board of Directors or the Accounting Authority of the Employer.**
10. **“Business relationship” means the connection formed between the Employer and external stakeholders for commercial purposes.**
11. **“DD” means Due Diligence.**
12. **“Domestic Prominent Influential Person” means an individual who holds an influential position, including in an acting position for a period exceeding 6 (six) months, or has held at any time in the preceding 12 (twelve) months, in the Republic, as defined in the Finan­cial Intelligence Centre Amendment Act No 1 of 2017.**
13. **“DPIP” means a Domestic Prominent Influential Person.**
14. **“Family members and known close associates” means immediate family members and known close associates of a person in a foreign or domestic prominent position, as the case may be, as defined in the Financial Intelligence Centre Amendment Act No 1 of 2017.**
15. **“Foreign Influential National” means an individual who is not a South African citizen or does not have a permanent residence permit issued in terms of the Immigration Act No 13 of 2002, who possesses personal power that induces another person to give conside­ration or to act on any basis other than the merits of the matter.**
16. **“Foreign Prominent Public Official” means (as defined in the Financial Intelligence Centre Amendment Act No 1 of 2017) an individual who holds or has held at any time in the pre­ceding 12 (twelve) months, in any foreign country a prominent public function.**
17. **“FPPO” means a Foreign Prominent Public Official.**
18. **“Improper influence” means personal power that induces another person to give conside­ration or to act on any basis other than the merits of the matter.**
19. **“The Employer” means the South African National Roads Agency SOC Limited (SANRAL) with registration number 1998/009584/30.**
20. **“Senior Management” means the Executive Committee or its individual members.**
21. **A separate declaration is required from each DPIP, FPPO and FIN. In the event that the tenderer is a Joint Venture (JV), a separate declaration from each DPIP, FPPO and Fin from each of the Joint Venture (JV) members, is required.**

**Prominent Influential Persons (PIP’s) Reporting Form**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **IDENTIFICATION PARTICULARS** | | | | | | | | |
| Primary  Particulars | | First Name | Surname | | Middle Name | | ID/Passport Number | |
|  |  | |  | |  | |
| Country  Details | | Country of Origin | | Citizenship | Current Country of Residence | | | |
|  | |  |  | | | |
| **CURRENT STATUS AND BACKGROUND** | | | | | | | | |
| Current  Occupation | | Occupational Title | | | Status | | | |
|  | | | Active | | Non-active | |
|  | | |  | |  | |
|  | | |  | |  | |
| Is the potential/business partner (mark with an “X” whichever is applicable): | | | | | | | | |
| a DPIP | | a FPPO | a FIN | Family member or Close Associate of a DPIP/FPPO/FIN? | | | | |
| **KNOWN BUSINESS INTERESTS** | | | | | | | | |
| No | Name of Entity | | | Role in Entity | | Status | | |
| 1 |  | | |  | | Active | | Non-active |
| 2 |  | | |  | |  | |  |
| 3 |  | | |  | |  | |  |
| 4 |  | | |  | |  | |  |
| 5 |  | | |  | |  | |  |
| 6 |  | | |  | |  | |  |
| 7 |  | | |  | |  | |  |
| 8 |  | | |  | |  | |  |
| 9 |  | | |  | |  | |  |
| 10 |  | | |  | |  | |  |

|  |
| --- |
| **MEDIA REPORTS / OTHER SOURCES OF INFORMATION** |
| (Please reference all known negative or damaging media reports associated with the DPIP/FPPO/FIN) |
|  |
|  |
|  |
|  |
|  |
|  |

**Reporting Person/s:**

|  |  |  |
| --- | --- | --- |
| Full names: | | |
| Designation: | | |
| Department: | | |
| Head of Department: | | |
| Head of Department’s signature: | Date: |  |
| Reporting Person’s signature: | Date: |  |

**DECLARATION / UNDERTAKING BY THE TENDERER**

I, the undersigned,

declare that:

* + - 1. the information furnished on this declaration form is true and correct.
      2. I accept that, any action may be taken against me should this declaration prove to be false.

SIGNATURE: …………………………………………………………………………………………

NAME: …………………………………………………………………………………………

POSITION: …………………………………………………………………………………………

DATE: …………………………………………………………………………………………

NAME OF TENDERER: …………………………………………………………………………………………

#### FORM A2.6: CERTIFICATE OF PERMISSION TO CONDUCT DUE DILIGENCE INVESTIGATION

**CONTRACT SANRAL R.573-020-2019/3S**

**Notes to tenderer**

1. **The tenderer shall complete the declaration below.**
2. **In the event of a Joint Venture (JV), each member of the JV shall comply with the above requirements.**

I, (name),

the undersigned in my capacity as

(position), on behalf of

(name of company),

herewith grant consent that SANRAL or any of their appointed Service Providers may conduct a due diligence investigation on

(name of company)

to evaluate our ability to perform the contract as stipulated in the Standard Conditions of Tender, Clause C.3.13(b).

In addition, any information in this regard requested by SANRAL or any of their appointed Service Providers, shall be submitted within the timelines of the request.

**SIGNATURE DATE**

#### FORM A2.7: declaration of independent technology-based intellectual service provider

**CONTRACT SANRAL R.573-020-2019/3S**

**Notes to tender:**

* + 1. **The signatory for the tenderer (as per Form A2.1) shall complete and sign this form.**
    2. **In the event that the tenderer is a Joint Venture, a declaration is required from each member of the Joint Venture.**
    3. **Failure to declare may result in a non-responsive tender.**

I, the undersigned, ………………………………………………………………………… declare that the tenderer including the Targeted Enterprise(s): *(Note to compiler: delete if TEs not applicable to this tender)*

1. Is a natural person or legal entity which provides independent technology-based intellectual services in the built, human and natural environment to clients for a fee;
2. Is not engaging in or is not a subsidiary or holding company that engages in manufacturing or construction;
3. Is not in substance owned by the State or a similar public body;
4. Is not in substance the design department of a development, manufacturing or construction enterprise.

Signed and sworn before me at …………………………………………….. on the ……… day of ……………………………… 20………

………………………………………..

SIGNATURE

The deponent having:

1. Acknowledge that he/she knows and understands the contents hereof,
2. Confirmed that he/she has no objection to the taking of the prescribed oath,
3. That he/she considered the prescribed oath as binding on his/her conscience, and
4. The Regulations contained in the Government Gazette Notice R1258 of July 1972 and R1648 of August 1977 having been complied with.

…………………………………………………

COMMISSIONER OF OATHS

#### FORM A3.1: COMPULSORY DECLARATION (Incorporating SBD4)

**BIDDER’S DISCLOSURE**

**Notes to tenderer:**

**Definitions:**

“State” means:

1. 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);
2. any Municipality of Municipal Entity;
3. Provincial Legislature;
4. National Assembly or the National Council of Provinces; or
5. Parliament.
6. “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.

In the case of a joint venture (JV), a separate declaration form is to be completed and submitted by each JV member.

**PURPOSE OF THE FORM**

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

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

**BIDDER’S DECLARATION**

Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest[[1]](#footnote-1) in the enterprise, employed by the state?

YES/NO

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

|  |  |  |
| --- | --- | --- |
| Full Name | Identity Number | Name of State institution |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

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

If so, furnish particulars:

……………………………………………………………………………………

……………………………………………………………………………………

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

If so, furnish particulars:

…………………………………………………………………………….

…………………………………………………………………………….

DECLARATION

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

I have read and I understand the contents of this disclosure;

I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

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 consortium[[2]](#footnote-2) will not be construed as collusive bidding.

In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

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.

There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

……………………………… ..……………………………………………

Signature Date

……………………………… ………………………………………………

Position Name of bidder

#### FORM A3.2: CERTIFICATE OF INDEPENDENT TENDER (Incorporating SBD9)

**CONTRACT SANRAL R.573-020-2019/3S**

**Notes to tenderer:**

1. **This certificate conforms to Treasury Regulation 16A9 and the requirement of section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, that 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 tendering.**
2. **Collusive tendering is a conspiracy between businesses that would normally be expected to compete, to agree not to compete, in a tender process.**
3. **This certificate serves as a declaration by the tenderer that the tender submitted is free from any collusion with a competitor.**
4. **In the case of a joint venture (JV), a separate certificate is to be completed and submitted by each JV member.**
5. **If the tenderer is found to have failed to declare conflict of interest or declare false information, the tender will be declared non-responsive and should it be discovered after contract award will be ultimately barred from tendering.**

Declaration

REPEALED SO DELETE

I, the undersigned, in submitting the accompanying tender on behalf of the tenderer do hereby make the following statements that I certify to be true and complete in every respect:

1. I have read and understand the notes to, and the contents of, this Certificate;
2. I understand that the accompanying tender will be disqualified if this Certificate is found to be not true and complete in every respect;
3. I am authorised by the tenderer to sign this Certificate, and to submit the accompanying tender, on behalf of the tenderer;
4. Each person whose signature appears on the accompanying tender has been authorised by the tenderer to determine the terms of, and to sign the tender, on behalf of the tenderer;
5. For the purposes of this Certificate and the accompanying tender, I understand that the word “competitor” shall include any individual or organisation, other than the tenderer, whether or not affiliated with the tenderer, who:
6. has been requested to submit a tender in response to this tender invitation;
7. could potentially submit a tender in response to this tender invitation, based on their qualifications, abilities or experience; and
8. provides the same goods and services as the tenderer and/or is in the same line of business as the tenderer.
9. The tenderer has arrived at the accompanying tender independently from, and without con­sultation, communication, agreement or arrangement with any competitor. However, communi­cation between partners in a joint venture or consortium will not be construed as collusive tendering.
10. In particular, without limiting the generality of statement 6 above, there has been no con­sultation, communication, agreement or arrangement with any competitor regarding:
11. prices;
12. geographical area where product or service will be rendered (market allocation);
13. methods, factors or formulas used to calculate prices;
14. the intention or decision to submit, or not to submit, a tender;
15. the submission of a tender which does not meet the specifications and conditions of the tender; or
16. tendering with the intention not to win the tender.
17. 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 tender relates.
18. The terms of the accompanying tender have not been, and will not be, disclosed by the tenderer, directly or indirectly, to any competitor, prior to the date and time of the official tender opening or of the awarding of the contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to tenders and contracts, tenders that are suspicious will be reported to the Competitions 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 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 0f 2004 or any other applicable legislation.

SIGNATURE:

DATE:

NAME:

POSITION:

#### FORM A3.3: DECLARATION OF TENDERER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES (Incorporating SBD8)

REPEALED SO DELETE

**CONTRACT SANRAL R.573-020-2019**

Notes to tenderer:

1. This declaration:
2. must form part of all tenders submitted.
3. in the case of a joint venture (JV), must be completed and submitted by each member of the JV
4. This form 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 and/or misused the State’s procurement of the supply chain management system.
5. The tender of any tenderer may be disregarded if that tenderer or any of its directors have –
6. abused the institution’s supply chain management system;
7. committed fraud or any other improper conduct in relation to such State system;
8. has been charged with fraud, corruption or any other improper conduct whether of a criminal or civil nature during the course and scope of rendering services to the state or any other party and/or entity; or
9. failed to perform on any previous contract with the State.
10. In order to give effect to the above, the following questionnaire must be completed and submitted with this tender.

|  |  |  |  |
| --- | --- | --- | --- |
| 4.1 | Is the tenderer 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 audi alteram partem rule was applied.  The Database of Restricted Suppliers now resides on the National Treasury website ([www.treasury.gov.za](http://www.treasury.gov.za)) and can be accessed by clicking on its link at the bottom of the home page. | Yes   | No   |
| 4.1.1 | If Yes, furnish particulars: | | |
| 4.2 | Is the tenderer or any of its directors listed on the Register for Tender Defaulters in terms of Section 29 of the Prevention and Combatting of Corrupt Activities Act (No. 12 of 2004)?  The Register for Tender Defaulters can be accessed on the National Treasury website (([www.treasury.gov.za](http://www.treasury.gov.za)) by clicking on its link at the bottom of the home page. | Yes   | No   |
| 4.2.1 | If Yes, furnish particulars: | | |
| 4.3 | Was the tenderer or any of its directors convicted by a court of law (including a court outside the Republic of South Africa) for fraud or corruption during the past five years? | Yes   | No   |
| 4.3.1 | If Yes, furnish particulars: | | |
| 4.4 | Was any contract between the tenderer 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 Yes, furnish particulars: | | |

CERTIFICATION

I, the undersigned, .........................................................................................................................

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: ..................................................................................................................................

Name: ........................................................................................................................................

Position: .....................................................................................................................................

Date: ..........................................................................................................................................

Name of tenderer: ......................................................................................................................

#### FORM A3.4: REGISTRATION ON NATIONAL TREASURY CENTRAL SUPPLIER DATABASE

**CONTRACT SANRAL R.573-020-2019/3S**

The tenderer shall provide a pdf. copy of the supplier registration form from National Treasury Central Supplier Database (www.treasury.gov.za). Tenderers who are not registered on the Central Supplier Database at tender closure will be declared non-responsive (refer to Tender Data, Clause C.2.1.1). In the case of a Joint Venture or a Targeted Enterprise, a pdf. supplier registration form must be provided for each member of the Joint Venture or Targeted Enterprise.

Name of Service Provider:

Central Supplier Database Supplier Number:

Supplier Commodity:

Delivery Location:

#### FORM A4: SCHEDULE OF DEVIATIONS OR QUALIFICATIONS BY TENDERER

**CONTRACT SANRAL** **R.573-020-2019/3S**

|  |  |
| --- | --- |
| **PAGE** | **DESCRIPTION** |
|  |  |

#### FORM A5: SCHEDULE OF ADDENDA TO TENDER DOCUMENTS

**CONTRACT SANRAL R.573-020-2019/3S**

**Note to tenderer:**

**If an addendum containing material amendments is not incorporated by the tenderers in his tender offer, the tender will be declared non-responsive.**

|  |  |  |
| --- | --- | --- |
| We confirm that the following communications received from the Employer before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer: | | |
|  | **Date** | **Title or Details** |
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#### FORM A6: CERTIFICATES OF TAX COMPLIANCE (Incorporating SBD2)

**CONTRACT SANRAL R.573-020-2019/3S**

The Tenderer shall complete the declaration below.

I, (name)

the undersigned in my capacity as (position)

on behalf of (name of company)

herewith grant consent that SARS may disclose to the South African National Roads Agency SOC Limited (SANRAL) our tax compliance status.

For this purpose our unique security personal identification number (PIN) is

In the event of a joint venture or a Targeted Enterprise each member shall comply with the above requirements.

**SIGNATURE DATE**

#### FORM A7: CERTIFICATE OF INSURANCE COVER

**CONTRACT SANRAL** **R.573-020-2019/3S**

**Notes to tenderer:**

**1. Scan Certificate of insurance cover on the flash drive.**

**2. In the event of the tenderer being a Joint Venture/consortium the details of the individual members must also be provided.**

The tenderer shall provide the following details of this insurance cover:

1. Name of Tenderer:
2. Period of Validity:
3. Value of Insurance:

* Professional Indemnity (for each and every case)

Company:

Value:

* General public liability

Company:

Value:

* Third party liability

Company:

Value:

#### FORM A8: TENDERER’S REGISTERED FINANCIAL SERVICE PROVIDER LETTER AND BANK DETAILS

**CONTRACT SANRAL R.573-020-2019/3S**

**Notes to tenderer:**

1. **The tenderer shall attach to this form a letter (dated less than 3 months prior to the tender closing date) from the bank confirming its account. Tenderers that fail to comply may be declared non-responsive in terms of Tender Condition C3.8 or C3.13.**
2. **The tenderer’s banking details as they appear below shall be completed.**
3. **In the event that the tenderer is a joint venture enterprise, details of all the members of the joint venture shall be similarly provided and attached to this form.**

The tenderer shall provide the following:

1. Name of account holder:
2. Account number:
3. Bank name:
4. Branch number:
5. Bank and branch contact details

#### FORM A9: DECLARATION OF TENDERER’S LITIGATION HISTORY

**CONTRACT SANRAL R.573-020-2019/3S**

**Note to tenderer:**

**The tenderer shall list below details of any litigation with which the tenderer (including its directors, shareholders or other senior members in previous companies) has been involved with any organ of state or state department within the last ten years. The details must include the year, the litigating parties, the subject matter of the dispute, the value of any award or estimated award if the litigation is current and in whose favour the award, if any, was made.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Client | Other litigating party | Dispute | Award value | Date resolved |
|  |  |  |  |  |

#### FORM A9.3: COMPLIANCE WITH LABOUR LEGISLATION DECLARATION

CONTRACT SANRAL R.573-020-2019/3S

FOR CONSULTING ENGINEERING SERVICES FOR THE UPGRADING OF NATIONAL ROAD R573 SECTION 2: WORK PACKAGE E FROM KM 13.00 TO KM 24.70

**Note to tenderer:**

**1. Tenderers must be registered with the Bargaining Council for the Civil Engineering Industry (BCCEI) or the relevant Bargaining Council.**

**2. Tenderers must append to this schedule (Form A9.3: Compliance with Labour Legislation) a letter of compliance / letter of good standing in terms of the relevant Government Gazette that indicates compliance/validity at the time of tender or obtain such upon being requested to do so in writing and within the period contained in such a request, failing which their tenders will be declared non-responsive.**

**3. Only those tenders submitted by tenderers who are in good standing with the BCCEI or any relevant applicable legislated bargaining council at the time of the tender award will be declared responsive.**

**4. Each party to a Consortium/Joint Venture shall append separate certificates for each party in the above regard.**

**5. The tenderer, by signing this schedule, declares that it will comply with all labour legislation, as may be applicable.**

SIGNED BY TENDERER: ........................................................................................................................

#### FORM A10: SCHEDULE OF CURRENT COMMITMENTS

**CONTRACT SANRAL R.573-020-2019/3S**

**Notes to tenderer:**

1. **The tenderer shall list below all projects with which proposed Key Persons are currently involved.**
2. **The start date in column 4 of the table below is that date indicated in the tender documents as being the intended start of the duties of the key personnel (i.e. expected start of design or supervisory duties).**
3. **In the event of a joint venture enterprise, details of all the members of the joint venture shall similarly be attached to this form.**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| NAME & POSITION | Project | Client | Start date (M/Y) | Duration  (Months) | estimated  completion  date | Value  of service |
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#### FORM A11: POSSIBLE COMMITMENTS OF KEY PERSON

**CONTRACT SANRAL** **R.573-020-2019/3S**

**Notes to tenderer:**

1. **Key Persons: the Project Leader and Design Specialist will be limited to participate in a maxi­mum number of 6 (six) conventional contracts in design phase which will be complete after the award of the Works Contract tender for the Project Leader and after the detailed design Report is accepted by the Employer for the Design Specialist.**
2. **The purpose of this form is for the tenderer to identify areas of conflict with respect to Key Person proposed for the project. Failure to identify where areas of conflict occur, or may occur, and which are subsequently discovered by the Employer shall render such offer as non-responsive, rejected and the tenderer automatically barred from tendering on SANRAL projects for a period of at least 3 (three) months from the date of tender closure.**
3. **The tenderer shall list below all projects/tenders for which the proposed Key Persons have been proposed, and for which results of an award are unknown at the date of tender closure of this project.**
4. **The start date in column 4 of the table below is that date indicated in the tender documents as being the intended start of the duties of the key personnel (i.e. expected start of design or supervisory duties).**
5. **Tenderers must submit an alternative candidate for those positions identified as being possible areas of conflict by completing separate Returnable Schedules Forms B1 and B2 for the alternate. The Employer will not request alternative candidates after tender closure and will interpret the lack of any alternative candidate as an indication the tenderer accepts that it will be impossible to be awarded more projects than the limitations applicable to Key Persons. The Employer reserves the right to select according to its best interest and not the tenderers.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| NAME & POSITION | PROJECT | CLIENT / REGION | Start date (M/Y) | Duration  (Months) |
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#### FORM A12: CERTIFICATE OF COMPLIANCE WITH OCCUPATIONAL HEALTH AND SAFETY ACT, 1993 AND CONSTRUCTION REGULATIONS, 2014 AS WELL AS COID ACT, 1993

**CONTRACT SANRAL R.573-020-2019/3S**

**Notes to tenderer:**

* 1. **Discovery that the tenderer has failed to make proper disclosure may result in the Employer terminating a contract that flows from this tender on the ground that it has been rendered invalid by the tenderer’s misrepresentation.**
  2. **The tenderer shall attach to this form evidence that he is registered and in good standing with the Compensation Fund in terms of Section 80 of the Compensation for Injury and Disease Act (COID) (Act 130 of 1993).**
  3. **The tenderer is required to disclose, by also attaching documentary evidence to this form, all inspections, investigations and their outcomes conducted by the Department of Labour into the conduct of the tenderer at any time during the 36 (thirty six) months preceding the date of the tender.**
  4. **In the event of a joint venture enterprise, all members shall comply with the above requirement.**

#### FORM A13: SBD1 – INVITATION TO BID AND TERMS AND CONDITIONS FOR BIDDING

**PART A**

**INVITATION TO BID**

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (***NAME OF DEPARTMENT/ PUBLIC ENTITY***)** | | | | | | | | | | | |
| BID NUMBER: | CONTRACT SANRAL R.573-020-2019/3S | | | CLOSING DATE: | | 18 August 2023 | | CLOSING TIME: | | | 11:00 |
| DESCRIPTION | CONSULTING ENGINEERING SERVICES FOR THE UPGRADING OF NATIONAL ROAD R573 SECTION 2: WORK PACKAGE E FROM KM 13.00 TO KM 24.70 | | | | | | | | | | |
| **BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT *(STREET ADDRESS)*** | | | | | | | | | | | |
| Northern Region Offices | | | | | | | | | | | |
| 38 Ida Street | | | | | | | | | | | |
| Menlo Park | | | | | | | | | | | |
| Pretoria | | | | | | | | | | | |
| **BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO** | | | | | **TECHNICAL ENQUIRIES MAY BE DIRECTED TO:** | | | | | | |
| CONTACT PERSON | | | **Procurement Office** | | CONTACT PERSON | | | | | **Procurement Office** | |
| TELEPHONE NUMBER | | | **N/A** | | TELEPHONE NUMBER | | | | | **N/A** | |
| FACSIMILE NUMBER | | | **N/A** | | FACSIMILE NUMBER | | | | | **NO CHANGE REQUIRED** | |
| E-MAIL ADDRESS | | | ProcurementNR5@sanral.co.za | | E-MAIL ADDRESS | | | | | ProcurementNR5@sanral.co.za | |
| **SUPPLIER INFORMATION** | | | | | | | | | | | |
| NAME OF BIDDER | |  | | | | | | | | | |
| POSTAL ADDRESS | |  | | | | | | | | | |
| STREET ADDRESS | |  | | | | | | | | | |
| TELEPHONE NUMBER | | CODE | |  | | NUMBER | | |  | | |
| CELLPHONE NUMBER | |  | | | | | | | | | |
| FACSIMILE NUMBER | | CODE | |  | | NUMBER | | |  | | |
| E-MAIL ADDRESS | |  | | | | | | | | | |
| VAT REGISTRATION NUMBER | |  | | | | | | | | | |
| SUPPLIER COMPLIANCE STATUS | | TAX COMPLIANCE SYSTEM PIN: | |  | **OR** | CENTRAL SUPPLIER DATABASE No: | MAAA | | | | |
| *ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?* | | Yes No  [IF YES ENCLOSE PROOF] | | | *ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?* | | | | Yes No  [IF YES, ANSWER THE QUESTIONNAIRE BELOW] | | |
| **QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS** | | | | | | | | | | | |
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES  NO  DOES THE ENTITY HAVE A BRANCH IN THE RSA?  YES  NO  DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  YES  NO  DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO  IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?  YES  NO  **IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.** | | | | | | | | | | | |

**PART B**

**TERMS AND CONDITIONS FOR BIDDING**

|  |
| --- |
| 1. **BID SUBMISSION:** |
| * 1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.   2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**   3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.   4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).** |
| 1. **TAX COMPLIANCE REQUIREMENTS** |
| 1. BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 2. BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER’S PROFILE AND TAX STATUS. 3. APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE [WWW.SARS.GOV.ZA](http://www.sars.gov.za). 4. BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. 5. IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. 6. WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. 7. NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE.” |

**NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID**.

SIGNATURE OF BIDDER: ……………………………………………

CAPACITY UNDER WHICH THIS BID IS SIGNED: ……………………………………………

(Proof of authority must be submitted e.g. company resolution)

DATE: ……………………………

#### 

#### FORM A14: BLACK OWNERSHIP DECLARATION

**CONTRACT SANRAL R.573-020-2019/3S**

***Note to tenderer:***

* Verification of ownership will be based on share certificate. SANRAL reserves the right to engage with the shareholders. In the event of any difference between the percentage ownership claimed below and the percentage ownership as per the share certificate, the share certificate shall apply.
* Attach share certificate/s

|  |  |  |
| --- | --- | --- |
| No. | Name and Surname | Percentage |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  | Additional table may be submitted if the space provided is insufficient |  |
| Total % black ownership | |  |

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

……………………………… ..……………………………………………

Signature Date

……………………………… ………………………………………………

Position Name of bidder

#### FORM A15: sub-contracting declaration

**CONTRACT SANRAL R.573-020-2019/3S**

|  |  |
| --- | --- |
| TOTAL SUB-CONTRACTING TO TARGETED ENTERPRISES PERCENTAGE (%) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_% |

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

……………………………… ..……………………………………………

Signature Date

……………………………… ………………………………………………

Position Name of bidder

1. the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise. [↑](#footnote-ref-1)
2. Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract. [↑](#footnote-ref-2)