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06 February 2023

REQUEST FOR QUOTATION (RFQ)

RFQ	RFQ/LOG/2023/4
RFQ ISSUE DATE	06 FEBRUARY 2023
RFQ DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER FOR PROVISION OF MAINTENANCE & REPAIRS OF CHILLERS, COOLING TOWERS, AIR HANDLING UNITS & WATER TREATMENT AT SABC BLOEMFONTEIN OFFICE FOR A PERIOD OF FIVE (5) YEARS
NON-COMPLUSORY BRIEFING SESSION	VIRTUAL BRIEFING SESSION ON MICROSOFT TEAMS 13 FEBRUARY 2023 @ 11:00
COMPULSORY SITE VISIT	16 FEBRUARY 2023 @ 13:00
VENUE / LINK FOR VIRTUAL BRIEFING	Click here to join the meeting
CLOSING DATE & TIME	24 FEBRUARY 2023 @ 12:00

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

The Tenderer shall have a CIDB Grading of minimum 3ME or Higher. The Tenderer shall provide a valid certificate at the time of closing and at the time of award.

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

For queries, please contact **Koena Legodi** via email: Tenderqueries@sabc.co.za

The SABC requests your quotation on the services listed above. Please furnish us with all the information as requested and return your quotation on the date and time stipulated above. Late and incomplete submissions will invalidate the quote submitted.

SUPPLIER NAME: _____

POSTAL ADDRESS: _____

TELEPHONE NO: _____

FAX NO. : _____

E MAIL ADDRESS: _____

CONTACT PERSON: _____

CELL NO: _____

SIGNATURE OF BIDDER: _____

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 SEVEN DAYS

NOTES ON BRIEFING SESSION

1. The briefing session meeting will be arranged by means of an online session using the Microsoft Teams, the date and time of which will be published on the SABC Website.
2. Bidders who have access to Microsoft Teams or similar enablers join the meeting on the day of the event through the link: [Click here to join the meeting](#)

NOTES ON COMPULSORY SITE VISIT

Date : 16 February 2023
Time : 13:00
Venue : SABC Office
Free State Province
Corner Kellner & Markgraaff Streets
Bloemfontein
9301

**FAILURE TO ATTEND THE COMPULSORY BID INFORMATION MEETING WILL
RESULT IN AUTOMATIC DISQUALIFICATION.**

FIRST PHASE – PREQUALIFICATION CRITERIA: MANDATORY DOCUMENTS

All bid respondents must submit mandatory documents that comply with all mandatory requirements. Bids that do not fully comply with the mandatory requirements will be disqualified and will not be considered for further evaluation.

MANDATORY REQUIREMENT		COMPLY/ COMPLY	NOT
1.	Active registration and valid minimum grading with the Construction Industry Development Board (CIDB) of 3ME or Higher (Provide proof) “The Tenderer shall provide a valid and active certificate at the time of closing and at the time of award”.		

NON-SUBMISSION OF THE MANDATORY DOCUMENTS WILL RESULT IN AUTOMATIC DISQUALIFICATION.

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 BBBEE Certificate (from SANAS accredited Verification Agency)
- 1.5 Certified copy of Company Registration Document that reflect Company Name, Registration number, date of registration and active Directors or Members.
- 1.6 Certified copy of Shareholders’ certificates.
- 1.7 Certified copy of ID documents of the Directors or Members.

NB: NO CONTRACT WILL BE AWARDED TO ANY BIDDERS WHO’S TAX MATTERS ARE NOT IN ORDER.

NO CONTRACT WILL BE AWARDED TO ANY BIDDERS WHO’S TV LICENCE STATEMENT ACCOUNT IS NOT VALID.

DETAILED TECHNICAL SPECIFICATION

1. Background

The water chiller machines must undergo monthly water treatment and testing to prevent blockage and rusting of water flow in the system. These blockages and rusting can lead to further damages to the total HVAC system and equipment.

Monthly water treatment of the water chiller units is also an OHS legislation requirement to ensure a healthy work environment. Different water and deposit testing every month should ensure compliance.

The advantage of water treatment and chiller machine maintenance:

- Minimize the possibility of damages in the chiller machine.
- Comply with Occupational Health and Safety Act, ensuring that the water does not have bacteria and it is safe for the environment.
- Improve performance
- Preventative maintenance
- Less downtime

2. Scope of Requirements services

The service provider will render the following services to the SABC Bloemfontein:

Detailed specification for chillers:

a. QUARTERLY SERVICES

1. The Technician will report to SABC and discuss any problem or faults, which may be occurred since the last service.
2. The chillers will be operated for at least 30 minutes prior to logging all the necessary reading to calculate systems performance.
3. Complete a system analyses and record all log readings and compare these against the design specifications.
4. Check the compressor oil pressure and note these on the service report.
5. Take an oil sample which will be sent away for analysis. The results of which will be sent to SABC for the records.
6. If any refrigerant or oil leaks are found and these can be repaired without pumping the system down, these will be rectified during the service.
7. Clear the system control panel.
8. Check all operating and safety controls and report on the same in the service report.

9. Inspect the chilled water pumps, starter panels, condenser water pumps and starters.
10. Inspect the cooling tower for correct operation and excessive fouling and will note the condition in the service report.
11. In the event of the ambient temperature not permitting the chiller to operate visually inspection will be carried out (the oil pumps will be operated, and the oil pressures will be noted)

On completion of the minor services, a complete heat balance will be calculated, and we will submit a comprehensive report detailing all work done and all faults found and whether these were rectified or if other remedial action is required.

b. ANNUAL SERVICES

1. On arrival at the site technician will discuss with SABC any problems or faults which have occurred since the last service.
2. Operate the chillers until the system has stabilized and record all log all readings in order to analyze system performance before commencing with any work.
3. The refrigerant will be transferred to refrigerant pump down unit with a transfer unit minimize any refrigerant loss.
4. The system will be pressure tested with dry nitrogen and any leaks found will be repaired.
5. Isolate the electrical supply and commence with the following.
6. The oil will be removed and discarded in the correct manner
7. Remove the oil filter and inspect for foreign matter and report on its condition.
8. Take an oil sample, which will be sent for analysis. The results of which will be sent to SABC for a records.
9. Renew the oil filter and oil return filter driers. Replace any refrigerant filters.
10. Charge the compressor with new Refrigerant oil.
11. The Safety valve will be removed and sent to a third party for calibration certification that will be sent to SABC for a records.
12. Inspect the condenser tubes for fouling and if required, chemically clean or high pressure clean the tubes for optimum performance.
13. Clean and check the control panel.
14. The chilled water and condenser pumps, motors, and starters will be checked and cleaned and any defects will be noted in the service reports.
15. The safety valve will be reinstalled and inspected for leaks.
16. The system will be pressure tested with dry nitrogen and any leaks found will be required. The pressure test will be witness by SABC.
17. The system will be evacuated to at least 3mm Hg. This will be held for a period of time to ensure system tightness and that the system is free of moisture or other non-condensable liquids.
18. You will meggar the motor windings and note readings in the service report.
19. The system will be charged with refrigerant and the compressor will be started and checked.

20. Log all readings, analyze the system and compare with the original specifications.

c. SCHEDULE OF SERVICES

Major - 1 x Yearly (Annually)

Minor - 3 x Quarterly per year

d. INCLUDED IN SCOPE OF WORK

All labour, travelling, Transport and consumables, to carry out the above work are included.

Allowed for the following parts for the annual service on the Chillers.

- Oil filters
- Refrigerant drier's
- Oil Change on compressors
- 4 x oil Sample bottles per chiller
- Nitrogen
- Chemicals for cleaning the condenser
- Consumables

Detailed specification for Cooling Tower:

a. QUARTELY SERVICES

- Check belt condition
- Adjust belt tension
- Lubricate fan shaft bearings
- Lubricate motor base adjusting screw
- Check & lubricate optional gear drive
- Check motor voltage & current
- Clean fan motor exterior
- Check general condition of the fan
- Check & unplug fan drain holes (hollow fan blades)
- Check fan for uniform pitch
- Check fan for rotation without obstruction
- Check & recoat steel shafts with RUST VETO
- Tension on new belts must be readjusted after the first 24hrs of operation and quarterly, thereafter.
- Check proper operation of all safety interlocks
- Clean the water filter and vent air from the circuit.
- Clean the exchangers and check the pressure drop in each
- Check the operation of the water flow switch
- Check the water quality or condition of the coolant
- Check and measure water quality. PH & TDS

- Check the connection of the contacts and the current at full load on all three phase.
- Measure Supply voltage at Main Breaker
- Measure Supply Current at Main Breaker
- Check & Test Overloads
- Check and test all switch gear
- Check and test all panel lights
- Inspect cold water basin
- Flush water distribution system / inspect spray nozzle
- Drain basin and piping
- Check & adjust water level in basins
- Check and adjust bleed rate
- Inspect unit finish

b. Yearly Service

- Drain basin & piping
- Inspect unit finish
- Lubricate fan shaft bearings
- Lubricate motor base adjusting screw
- Check drive alignment
- Check & recoat steel shafts with RUST VETO
- Clean air intake and exhaust grilles
- Check proper operation of all safety interlocks
- Clean the filter and vent air from the circuit.
- Clean the exchangers and check the pressure drop
- Check the water quality or condition of the coolant
- Check the operation of the water flow switch
- Check and measure water quality. PH & TDS
- Check the connection of the contacts and the current at full load on all three phases
- Measure the Supply voltage and current at main breaker
Check and test overloads
- Check and test all switch gears Check and test all panel lights executed by suitably qualified persons.
- Additional tests
 - Legionnaires test: We advise that this test be done twice per year. Costs of this test are additional.
 - Deposit analysis: This is required should systems scale severely and is for the account of the chemical supplier.
 - Bacteria Test: Water level as per OHS

Detailed specification for Air Handling Units (AHU)

a. Quarterly Service

- Clean unit
- Check for corrosion on all metal surfaces (chassis, casing, exchangers, electrical Db's)
- Check for water leaks
- Check soundness of all electrical connections to ensure they are tight and in good conditions.
(Where possible)
- Check the connection of the contacts and the current at full load on all three phases
- Check chilled water set point
- Check fan mountings
- Check fan bearings
- Check fan belts
- Check fan drive alignment
- Check proper operation of all safety interlocks
- Measure supply voltage and the drawn current at main breaker
- Check and test all switch gear
- Check all light panel

b. Annual Service

- Clean coil
- Clean Unit
- Check for corrosion on all metal surfaces (chassis, casing, exchangers, electrical Db's)
- Check for water leaks
- Check soundness of all electrical connections to ensure they are tight and in good conditions.
(Where possible)
- Check the connection of the contacts and the current at full load on all three phases
- Check chilled water set point
Check fan mountings
- Check fan bearings
Check fan belts
Check fan drive alignment
Check proper operation of all safety interlocks
- Measure supply voltage and the drawn current at main breaker
- Check and test all switch gear
- Check all light panel

3. RFQ Response Information

Effective Date of Bid

Vendors should state in writing that their quotation to the SABC and all furnished information, including price, will remain valid and applicable for 90 days from the date the vendor quotation is received by the SABC.

4. Costing

The quotation must reflect a detailed cost breakdown, and any indirect costs associated with the rendering of required service as per the schedule in the **Scope of Service**.

5. Duration of the Contract

5 years

6. Location

Bloemfontein

7. Evaluation criteria

7.1. Price

- The RFQ responses will be evaluated on the price. & functionality

7.2. Technical Evaluation

- The tender submission will be technically evaluated out of **80**
- A minimum threshold of **50 out of a maximum of 80** has been set.
- Bidders achieving less than the set threshold will be declared non-responsive and therefore will not continue forward for evaluation of Price.

7.3. Objective Criteria

- The SABC further reserve the right not to award this tender 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, company financials, etc. will be eliminated from the bid process.

SECOND PHASE: PAPER BASED EVALUATION CRITERIA

Evaluation area	Evaluation Criteria	Min. Points	Max. Points
Company Previous experience in service and maintenance	<p>Provide proof of previous & existing maintenance contracts of Chillers/Cooling Tower</p> <p>Number of Contracts:</p> <ul style="list-style-type: none"> • Less than 2 = (5 points) • Between 2-4= (8 points) • Above 4 = (10 points) <p>Provide proof of previous & existing maintenance contracts of (AHU) Air Handling Units</p> <p>Number of Contracts:</p> <ul style="list-style-type: none"> • Less than 2 = (5 points) • Between 2-4= (8 points) • Above 4 = (10 points) <p>Provide proof of previous & existing maintenance contracts of Water Treatment</p> <p>Number of Contracts:</p> <ul style="list-style-type: none"> • Less than 2 = (5 points) • Between 2-4= (8 points) • Above 4 = (10 points) 	20	30
Warranty of parts	<p>Respondents to submit proposal on warranty:</p> <ul style="list-style-type: none"> • Less 12 months (5 points) • 12 months (10 points) • More than 12 months (15 points) 	10	15
Response time	<p>Respondents to submit proposal on response time:</p> <p>Emergency response time</p> <ul style="list-style-type: none"> • Less than 6hrs (20 points) • 6hrs to 10 hrs (10 points) • More than 10hrs (5 points) 	10	20
Quality workmanship of	<p>Contractor to clearly state on their proposal the quality and assurance on workmanship to be provided during the Maintenance process, quality standards in an OHS File</p> <ul style="list-style-type: none"> • OHS File (10 points) • No OHS (0 points) <p>Contractor to clearly state on their proposal the process to ensure quality workmanship on lead times,</p> <ul style="list-style-type: none"> • State the lead times 5 points • None 0 points 	10	15
Total		50	80

8. ADJUDICATION USING A POINT SYSTEM

- 8.1. The bidder obtaining the highest number of total points will be awarded the contract unless objective criteria justify the award to another bidder.

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.

12. PAYMENT TERMS

SABC will effect payment sixty (60) days after the service provider has submitted an invoice.

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 favoritism, 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 Host-to-Host 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 Host-to-Host 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	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

SBD 8

CERTIFICATION

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

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND
CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN
AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

SBD 9**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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

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.

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Signature

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Date

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Position

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Name of Bidder