

REQUEST FOR QUOTATION

RFQ 010-2021-22
Enquiries: Lebakang Mogale
Tel: 012 315 5280
Email: rfp@gtac.gov.za

ATTENTION: PROSPECTIVE BIDDERS

RFQ 010-2021-22: FOR THE PROVISION OF LEGAL DRAFTING SERVICES TO GTAC FOR ITS SUPPORT TO THE DEPARTMENT OF PUBLIC ENTERPRISES IN THE DRAFTING OF AN INDICATIVE BILL TO REGULATE THE GOVERNANCE OF SPECIFIED COMMERCIAL STATE-OWNED ENTITIES – REQUIRED SERVICE PROVIDER: DRAFTING OF LEGISLATION EXPERT

The Government Technical Advisory Centre (GTAC) hereby invites credible suppliers to submit a quotation in response to the Terms of Reference attached hereto.

1. EVALUATION METHODOLOGY

1.1. The table below reflects the evaluation methodology for this Request for Quotation:

Evaluation Stage	Description
Administrative Compliance	Evaluation of documents cited in section 2 below. Documents must be submitted and duly completed and signed where required.
Technical Evaluation	Refer to the Terms of Reference (TOR).
Price and B-BBEE	Refer to section 4 below. Valid B-BBEE certificate/Affidavit and duly completed and signed SBD 6.1 and SBD 3.3 required.



REQUEST FOR QUOTATION

2. ADMINISTRATIVE COMPLIANCE

2.1. The following documents must be submitted for administrative compliance evaluation. Documents must be duly completed and signed (where applicable).

- a) SBD 1
- b) SBD 4
- c) SBD 6.1
- d) SBD 8
- e) SBD 9
- f) B-BBEE Certificate/sworn Affidavit
- g) SBD 3.3
- h) CSD registration report/MAA number
- i) Technical response (Response to technical evaluation criteria cited in the TOR)

3. TECHNICAL EVALUATION (REFER TO THE TOR)

3.1. Bidders are required to submit a technical proposal in response to the technical evaluation criteria cited in the Terms of Reference.

3.2. Bidders are required to meet the minimum technical threshold to progress to price and B-BBEE evaluation.

4. PRICE AND B-BBEE EVALUATION BASED ON THE PPPFA (REFER TO THE SBD 6.1 FOR MORE DETAIL)

4.1. 80/20 Preference Points Evaluation

a. In terms of regulation 5 of the Preferential Procurement Regulations pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids with a Rand value up to R50 million will be adjudicated by the State on the 80/20-preference point for Broad-Based Black economic empowerment in terms of which points are awarded to bidders on the basis of:

- The bid price (maximum 80 points)
- Broad-based black Economic Empowerment as well as specific goals (maximum 20 points)



REQUEST FOR QUOTATION

5. CONDITIONS

5.1. The following conditions will apply:

- a. Price quotation must be provided separately on the SBD 3.3 provided.
- b. Price(s) quoted must be valid for sixty (60) days from date of offer.
- c. Total cost must be inclusive of all applicable taxes (if no indication is given, quoted prices will be evaluated as all inclusive).
- d. Price (s) quoted must be within the RFQ threshold of R1 000 000.00 to be compliant and valid.
- e. Late or incomplete submissions will not be accepted. Failure to comply with these conditions will invalidate your offer.

5.2. The following attachments must be submitted with the quotation:

- a. Standard Bidding Document (SBD) forms: (SBD 1, SBD 3.3, SBD 4, SBD 6.1, SBD 8 and SBD 9);
NB: Incomplete and unsigned SBD forms including false declaration (i.e. not declaring business done with the state in the preceding twelve months on SBD 4), will result in disqualification. This includes the bidder, company's directors / trustees / shareholders / members or their spouses that have done business with the state in the preceding twelve months.
- b. CSD registration report/number; and
- c. Valid B-BBEE Certificate/sworn affidavit (Annexure E) if applicable.

6. SUBMISSION DETAILS AND CLARIFICATION

Submissions must be sent to: rfp@gtac.gov.za by 15:00 on 25 November 2021.

GTAC will evaluate submissions in accordance with the evaluation methodology cited above but is neither legally bound nor obligated to accept quoted rates and further reserves the right to negotiate professional rates around any quotation before the award of this RFQ.

Any clarification regarding this invitation or the Terms of Reference must be addressed to the aforementioned email address.



REQUEST FOR QUOTATION

Yours sincerely



Nolubabalo Tokwe

Professional Services Procurement

Date: 17 November 2021



TERMS OF REFERENCE

For the provision of legal drafting services to GTAC for its support to the Department of Public Enterprises in the drafting of an indicative Bill to regulate the governance of specified commercial state-owned entities

Required Service Provider: Drafting of legislation expert

Project Number 1223

BACKGROUND INFORMATION

Programme Identification

Name of Client	GTAC
Name of Project	Presidential State-Owned Enterprises Council Support
Contracting Authority	Government Technical Advisory Centre (GTAC, National Treasury)
Accountable Officer	Ms Lindiwe Ndlela - Acting Head of GTAC
Budget Manager	Ms Emmanuelle Gille - Chief Director: Institutional Development Support
Project Purpose	To undertake the drafting of an indicative Bill to regulate the governance of specified commercial state-owned enterprises

Contents

1	BACKGROUND INFORMATION	3
1.1	Introduction	3
1.2	Current state of affairs regarding the situation.	3
1.3	Project beneficiaries	4
1.4	Related programmes / initiatives.....	4
1.5	The request for assistance	4
2	OBJECTIVES OF THE SERVICES TO BE PROVIDED.....	4
2.1	General Objective.....	4
2.2	Specific Objectives	5
3	ASSUMPTIONS AND RISKS.....	5
3.1	Assumptions.....	5
3.2	Risks	5
4	SCOPE OF THE WORK	5
4.1	General	5
4.2	Main Tasks to be Performed.....	5
4.3	Project Management	5
5	REQUIRED EXPERTISE	6
5.1	Number of Assistants	6
5.2	Expertise	6
6	LOGISTICS AND SCHEDULE OF THE ASSIGNMENT	6
6.1	Location where the Services are Required	6
6.2	Time Frame	6
6.3	Logistic Support.....	6
7	REPORT/S AND QUALITY ASSURANCE	6
7.1	Report/s.....	6
7.2	Quality assurance.....	6
8	EVALUATION CRITERIA AND PAYMENT MILESTONES	6
9	BID SUBMISSION REQUIREMENTS	8
10	BID VALIDITY PERIOD	8
	Annexure A: CV Template	9

1 BACKGROUND INFORMATION

1.1 Introduction

The Presidential State-Owned Enterprises Council (PSEC) was established to provide political oversight and strategic management to reform, reposition and revitalise state-owned enterprises (SOEs). The Department of Public Enterprises (DPE) has been tasked with providing secretariat support to the PSEC. The Government Technical Advisory Centre, a Government Component of National Treasury (GTAC), has been contracted by the DPE to provide technical advisory services to DPE and the PSEC Governance workstream in respect of the drafting of a Green and subsequent White Paper towards a Government Shareholder Management Bill. These policy papers will give effect to the State's approach to its shareholder management functions for identified commercial SOEs.

The first phase of the support will culminate in with the furnishing of a diagnostic study to the DPE and PSEC in December 2021. The diagnostic study will include two annexures, one of which will be a draft policy framework for initial endorsement by role-players. This framework will significantly inform the development of the Green Paper which, according to the GTAC Project Charter concluded with the DPE, is scheduled for submission to the DPE and PSEC by the end of May 2022.

It is anticipated that significant progress in the drafting of the Green Paper will have been made by early 2021 which will enable the preparation of a draft indicative Bill to give effect to the State's governance responsibilities for selected commercial SOEs by the end of March 2022. It is envisaged that this draft bill will be attached as an Annexure to the Green Paper.

1.2 Current state of affairs regarding the situation.

It is common cause that the management of commercial SOEs has been sub-optimum. Many of these SOEs are experiencing significant financial challenges and allegations of corruption and state capture in these SOEs is widespread. A consequence of these financial and governance challenges is that the commercial SOEs have failed to deliver in terms of their developmental potential and in some instances even in terms of their critical service delivery objectives.

The President has recently noted that "to ensure that the State can effectively enable economic and social development, it is essential that we strengthen our state-owned enterprises. Through the Presidential SOE Council, the Government intends to create alignment between state-owned companies and to define their respective mandates better. Through the Council, we will work with the leadership of SOEs to develop a legal and regulatory environment that promotes innovation and agility and enhances their competitiveness. We will build on the work we have already begun to address problems of poor governance, inefficiency and financial sustainability".

The President has also noted that "we are moving from the stabilisation of SOEs to repurposing these strategic companies to support growth and development. After years of state capture, corruption and mismanagement, we are working to ensure that all SOEs can fulfil their developmental mandate and be financially sustainable. In consultation with the Presidential SOE Council, we will undertake a process of rationalisation of our SOEs and ensure that they serve strategic economic and developmental purposes".

To reposition SOEs as effective instruments of economic development, the mandate of the Presidential SOE Council (PSEC) is to provide political oversight and strategic management by, inter alia, and in summary form:

- Strengthening the framework governing SOEs;
- Assisting with the stabilisation of SOEs;
- Reviewing the role and mandate of the SOEs;
- Considering the rationalisation of SOEs;
- Refining the strategic alignment of SOEs
- Reviewing the business models, capital structure and sources of financing for the SOEs to ensure financial sustainability;
- Reviewing the appropriateness of each SOE's structure and operating;

- Improving coordination and applying lessons that have been learnt in the implementation of infrastructure projects by SOEs;
- Identifying opportunities for private sector participation to better advance the national development agenda of the country;
- Monitoring the risks arising from the companies to identify and ensure mitigating action is taken in response to potential sources of risk; and
- Overseeing all transactions falling within the ambit of Section 54 of the Public Finance Management Act (PFMA) and significant procurement transactions (as defined in the significance and materiality framework).

The majority of SOE's which have been identified for attention are PFMA Schedule 2 Major Public Entities but certain Schedule 3B National Government Business Enterprises have also been identified for intervention. This is a significant undertaking involving a minimum of 20 significantly sized entities.

GTAC's support to DPE and PSEC can be described as the provision of technical assistance with the development of a Position Paper on the determination of an appropriate Government Shareholder Management model which will address the separation of functions of shareholder, policy maker, and regulator across commercial State-Owned Companies. The support also envisages the preparation of an overarching Draft Shareholder Management Bill and support to the development of a Green and White Paper.

Although the ultimate Bill to be presented to Parliament will only be submitted at the end of the Green and White Paper processes it was felt that it would be useful to begin the drafting of such a Bill parallel to the policy development process. It is the drafting of this indicative Bill that is the subject of this RFQ

1.3 Project beneficiaries

The direct beneficiaries of this project are:

- The DPE as current custodian of the support to PSEC;
- PSEC as the body tasked with the development of the policy and Bill.

Indirect project beneficiaries include other Departments and Executive Authorities who currently exercise state shareholder responsibilities as well as all citizens of South Africa who would benefit from the improved governance and performance of commercial SOEs.

1.4 Related programmes / initiatives

There have been numerous prior initiatives tasked at the improvement of SOE operations but the current PSEC initiative and proposed State Shareholder Management Bill remains the primary intervention for the improvement of governance within SOEs.

1.5 The request for assistance

GTAC will complete its initial diagnostic phase inclusive of the outline for a policy framework by end December 2021. It will also be involved in the development of the Green Paper in early 2022 and accordingly requires assistance in the development of an indicative Shareholder Management Bill by the end of May 2022 which is intended to serve as an Annexure to the Green Paper.

GTAC, with the assistance of DPE and PSEC colleagues, will be in the position to provide technical content assistance to the indicative Bill drafting process but requires the assistance of an expert legal drafter to take responsibility for the drafting of the Bill itself in line with this RFQ.

2 OBJECTIVES OF THE SERVICES TO BE PROVIDED

2.1 General Objective

The general objective is to provide a legal drafting service to GTAC so that an indicative Shareholder Management Bill is prepared for inclusion as an Annexure to the envisaged Green Paper.

2.2 Specific Objectives

The specific objectives are to conclude the following by the end of May 2022:

- a) Consult with GTAC (and DPE and PSEC where required) as to the subject matter of the proposed Bill;
- b) Prepare a draft version of the indicative Bill for distribution to Cabinet by the end of March 2020; and
- c) Prepare an updated version of the indicative Bill for inclusion as an annexure to the Green Paper by the end of May 2022.

3 ASSUMPTIONS AND RISKS

3.1 Assumptions

The following assumptions are made:

- a) That information that is required for this assignment is readily available through consultation with the GTAC team or where necessary through DPE and or PSEC; and
- b) That, if necessary, officials will avail themselves for discussions to inform the drafting of the Bill.

3.2 Risks

Key risks include the failure to obtain political certainty as to the desired policy framework which will underpin the indicative Bill coupled with the urgency and short time lines associated with the assignment

4 SCOPE OF THE WORK

4.1 General

As noted above the general objective is to provide a legal drafting service to GTAC so that an indicative Shareholder Management Bill is prepared for inclusion as an Annexure to the envisaged Green Paper. It is envisaged that the assignment will be undertaken during the period January to May 2022 and that the successful bidder will undertake the activities as set out below.

The assistance will be in the form of technical advice and the drafting of the indicative Bill.

4.2 Main Tasks to be Performed

The time projected to be allocated to the activities described below, and the number of consulting days available on an indicative basis for each, are set out below¹:

- a) Review the GTAC diagnostic report and engage with the GTAC team as to the content of the Bill in order to populate a Bill skeleton outline (3 days)
- b) Engage with the GTAC team (and where necessary DPE or PSEC) around specific areas for decision making (5 days)
- c) Prepare a draft Bill for comment by March 2022 (12 days)
- d) Update the draft Bill to cater for political decision making and feedback obtained by May 2022 (10 days)

4.3 Project Management

The successful service provider will have no direct project management duties themselves.

They will work in close conjunction with the GTAC team assigned to this project and where necessary will interact with DPE or PSEC officials under the guidance of the GTAC team.

¹ It is anticipated that the maximum total time allocated to the project will not be more than 30 days.

5 REQUIRED EXPERTISE

5.1 Number of Experts

It is anticipated that only one (1) expert is required to complete this assignment.

5.2 Expertise

The expert must be in possession of a legal qualification (LLB) and relevant experience in the drafting of legislation. Advocates, attorneys, academics or any other persons with the necessary legal qualifications may apply. Prior exposure to the operations of commercial SOEs and the intersection of the PFMA and the Companies Act would be of added benefit. It is expected that the successful applicant will have a significant body of professional experience behind them. This information should be contained in an abbreviated cv of the applicant, in the format of Annexure A hereto.

6 LOGISTICS AND SCHEDULE OF THE ASSIGNMENT

6.1 Location where the Services are Required

Most of the work will be done remotely, including interviews and meetings. However, some travelling may be required. No provision for travel need be provided as these costs, if they materialise, will be covered from the broader project costs associated with the project.

6.2 Time Frame

The contract period is expected to be over the period January to May 2022.

6.3 Logistic Support

No office accommodation will be provided.

The legal resource must provide their own equipment.

They will, however, be assisted with the gathering of required information to populate the Bill.

In the case it is needed, GTAC will make travel and accommodation booking for preapproved travel.

7 REPORT/S AND QUALITY ASSURANCE

7.1 Report/s

Brief progress reports are expected, in support of the assignment deliverables while a more comprehensive report will be required at the submission of the March and May version of the Bills. GTAC will provide the applicant with a template for monthly and deliverable reports.

7.2 Quality assurance

The quality of the reports will be assessed by the GTAC project manager in conjunction with the overarching Project Steering Committee where necessary.

8 EVALUATION CRITERIA AND PAYMENT MILESTONES

A two-phased approach will be followed:

- a) Technical evaluation
- b) Price and BBBEE evaluation based on the 80/20 approach (note there is a maximum price cap)

The technical proposal will be evaluated as per the criteria in Table 1 below.

Bidders must also ensure that all required information is included in their bid as per the submission requirements in Section 9 which follows.

The bid has a **maximum price cap of R500 000.00 Vat inclusive.**

Payment milestones for the project are as follows:

- | | | |
|----|--|-----|
| a) | Take on fee (due on signature of contract) | 10% |
| b) | Submission of Bill draft in March | 40% |
| c) | Submission of Bill draft in May | 50% |

Table 1: Technical Evaluation Criteria

	CRITERIA	SCORING	WEIGHT
The evaluation will be evaluated based on the information submitted with the application as confirmed by relevant references. Please note if written references are not available, the name and contact details of the reference per relevant employment period or assignment should be provided for verification purposes.			
A	Experience Experience in the legal field that is relevant to this bid. "Experience relevant to this bid" is deemed to be technical experience in the drafting of legislation be it Bills, Acts or Regulations or research or other work which displays an understanding of the SOE environment.	5 = > 13 years 4 = 11 - 13 years 3 = 8 - 10 years 2 = 5 - 7 years 1 = < 5 year	25%
B	Skills (Generic) Number of completed projects that are relevant to this bid, e.g. Drafting of legislation be it Bills, Acts or Regulations.	5 = 9 or more current or completed projects relevant to this bid 4 = 7 – 8 current or completed projects relevant to this bid 3 = 5 – 6 current or completed projects relevant to this bid 2 = 3 – 4 current or completed projects relevant to this bid 1 = 2 or less current or completed projects relevant to this bid	45%
C	Skills (specific) In this instance similar assignments includes both the drafting of legislation be it Bills, Acts or Regulations or research or other work which displays an understanding of SOE environment and in particular the interplay of the Companies Act and the Public Finance Management Act.	5 = More than 9 similar assignments being currently worked on or successfully completed 4 = 8 – 9 similar assignments being currently worked on or successfully completed 3 = 6 – 7 similar assignments being currently worked on or successfully completed 2 = 4 – 5 similar assignments being currently worked on or successfully completed 1 = 3 or less similar assignments being currently worked on or successfully completed	30%
TOTAL TECHNICAL POINTS			100
MINIMUM THRESHOLD			75%

The bid must attain a minimum score of 75% in order to be shortlisted and evaluated further based on price and B-BBEE (80/20). The description and the quality criteria and the maximum of possible score for each criterion are shown in the above table.

9 BID SUBMISSION REQUIREMENTS

Bidders should ensure that the following submission requirements are included in their bids:

- a) Duly completed and signed Standard Bidding Documents (SBD 1, 4, 6.1, 8 and 9).
- b) Central Supplier Database (CSD) summary registration report.
- c) An LLB is the minimum requirement for this bid and proof thereof should also be included.
- d) Bidders must submit all the information required for evaluation purposes including the CVs in the format of Annexure A that reflect the qualifications, skills and experience of the proposed advisor and copies of signed reference letters attesting to the completion of projects relevant to this project. Where letters of reference are not readily available a contactable reference, including cell or landline number, must be provided. In the event of GTAC not being able to contact a telephonic reference associated points may not be allocated.
- e) International qualifications must be accompanied by SAQA confirmation of accreditation. Non-submission of SAQA confirmation for such qualifications will lead to such qualifications not being evaluated in accordance with the relevant technical criterion.
- f) Failure to adhere to the above requirements i.e. misrepresentation and/or non-submission of the required documentation may lead to a disqualification or termination of the contract with the appointed service provider at any stage of the implementation.

10 BID VALIDITY PERIOD

The bid will be valid for a period of 90 (ninety) days.

Annexure A: CV Template

Personal Information:	Surname	
	First names	
	South African Identity Number	
	Date of birth	
Contact Details:	Telephone number (land line)	
	Cell Number	
	Email Address	

The information requested in this section should demonstrate that the assistant meets the requirement that they are in possession of a legal qualification. Legal qualifications should be a minimum of a LLB.

Qualifications: (Add entries if needed. Start from the most recent)

Name of Qualification Awarded	
Name of Institution	
Date	
NQF level	
Name of Qualification Awarded	
Name of Institution	
Date	
NQF level	
Name of Qualification Awarded	
Name of Institution	
Date	
NQF level	

Work Experience: (Add entries if needed. Start from the most recent)

The information set out below is required to justify the points allocation in Table 1 row A of the terms of reference: When completing the main activities and responsibilities please note that "Experience relevant to this bid" is deemed to be technical experience in the drafting of legislation be it Bills, Acts or Regulations or research or other work which displays an understanding of the SOE environment. It is therefore requested that you select activities and responsibilities which demonstrate this capability.

Date [from – to]	Employer	
	Position Held	
	Address and contact details of employer	
	Main Activities and Responsibilities	
Date [from – to]	Employer	
	Position Held	
	Address and contact details of employer	
	Main Activities and Responsibilities	
Date [from – to]	Employer	
	Position Held	
	Address and contact details of employer	
	Main Activities and Responsibilities	

Generic Skills (Add entries if needed. Start from the most recent)

The information set out below is required to justify the points allocation in Table 1 row B of the terms of reference. Please note that the contact details are essential to verify the assignment in question if you have not provided a reference from the client. GTAC reserves the right not to allocate points for a project if the client contact details are incorrect or the contact is not available to confirm the assignment. When completing the drafting of legislation column please provide details as to the context of the project and what legislation (be it a Bill, Act or Regulations) was actually drafted. An assignment may be repeated in both this section and the next if it meets both requirements.

#	Name of client	Client reference and telephone contact details	Drafting of legislation experience	PERIOD OF PROJECT EXECUTION (From month & year to month & year)
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Specific Skills (Add entries if needed. Start from the most recent)

The information set out below is required to justify the points allocation in Table 1 row C of the terms of reference. Please note that the contact details are essential to verify the assignment in question if you have not provided a reference from the client. GTAC reserves the right not to allocate points for a project if the client contact details are incorrect or the contact is not available to confirm the assignment. When completing the specific skills column, you must include information which provides evidence of prior experience in the drafting of legislation or the undertaking of research in the context of SOEs specifically and which demonstrates knowledge of the interplay between any enabling legislation and/ or the Companies Act and/or the PFMA. An assignment may be repeated in both this section and the previous one if it meets both requirements.

#	Name of client	Client reference and telephone contact details	Specific skills	PERIOD OF PROJECT EXECUTION (From month & year to month & year)
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	RFQ 010-2021-22	CLOSING DATE:	25 NOVEMBER 2021	CLOSING TIME:	15:00 PM
DESCRIPTION	FOR THE PROVISION OF LEGAL DRAFTING SERVICES TO GTAC FOR ITS SUPPORT TO THE DEPARTMENT OF PUBLIC ENTERPRISES IN THE DRAFTING OF AN INDICATIVE BILL TO REGULATE THE GOVERNANCE OF SPECIFIED COMMERCIAL STATE-OWNED ENTITIES – REQUIRED SERVICE PROVIDER: DRAFTING OF LEGISLATION EXPERT				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM.					
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					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		<input type="checkbox"/> Yes <input type="checkbox"/> No
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	<input type="checkbox"/>	A REGISTERED AUDITOR			
		NAME:			
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER		DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)					
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE (ALL INCLUSIVE)		
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT/ PUBLIC ENTITY	GTAC		CONTACT PERSON	Lebakang Mogale	
CONTACT PERSON	Lebakang Mogale		TELEPHONE NUMBER	0123155280	
TELEPHONE NUMBER	0123155280		FACSIMILE NUMBER	-	
FACSIMILE NUMBER	-		E-MAIL ADDRESS	rfp@gtac.gov.za	
E-MAIL ADDRESS	rfp@gtac.gov.za				

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:								
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE</p> <p>1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</p> <p>1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</p> <p>1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.</p>								
2. TAX COMPLIANCE REQUIREMENTS								
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>								
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS								
<table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</td> <td style="width: 30%; text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> </table> <p>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</p>	3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO							
3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO							
3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO							
3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO							

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SBD 4

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 an advertised competitive bid, a limited bid, a proposal or written price quotation). 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, member):
 - 2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:
 - 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 attach 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 SHOULD THIS
DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

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).

1.2

- a) The value of this bid is estimated to **not exceed** R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price

quotations, advertised competitive bidding processes or proposals;

- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

- P_s = Points scored for price of bid under consideration
- P_t = Price of bid under consideration
- P_{\min} = Price of lowest acceptable bid

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

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

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

7	4
8	2
Non-compliant contributor	0

5. BID DECLARATION

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

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

- 6.1 B-BBEE Status Level of Contributor: =(maximum of 20 points)
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

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

(*Tick applicable box*)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- 7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(*Tick applicable box*)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

- 8.1 Name of company/firm:.....

- 8.2 VAT registration number:.....

- 8.3 Company registration
number:.....
- 8.4 TYPE OF COMPANY/ FIRM
- ☐ Partnership/Joint Venture / Consortium
 - ☐ One person business/sole propriety
 - ☐ Close corporation
 - ☐ Company
 - ☐ (Pty) Limited
- [TICK APPLICABLE BOX]
- 8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES
-
-
-
-
-
- 8.6 COMPANY CLASSIFICATION
- ☐ Manufacturer
 - ☐ Supplier
 - ☐ Professional service provider
 - ☐ Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]
- 8.7 Total number of years the company/firm has been in business:.....
- 8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:
- i) The information furnished is true and correct;
 - ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
 - iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
 - iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from

obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and

- (e) forward the matter for criminal prosecution.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

SWORN AFFIDAVIT – B-BBEE EXEMPTED MICRO ENTERPRISE

I, the undersigned,

Full name & Surname	
Identity number	

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.
2. I am a member / director / owner of the following enterprise and am duly authorised to act on its behalf:

Enterprise Name	
Trading Name	
Registration Number	
Enterprise Address	

3. I hereby declare under oath that:
 - The enterprise is _____ % black owned;
 - The enterprise is _____ % black woman owned;
 - Based on the management accounts and other information available on the _____ financial year, the income did not exceed R10,000,000.00 (ten million rands);
 - Please confirm on the table below the B-BBEE level contributor, **by ticking the applicable box.**

100% black owned	Level One (135% B-BBEE procurement recognition)	
More than 51% black owned	Level Two (125% B-BBEE procurement recognition)	
Less than 51% black owned	Level Four (100% B-BBEE procurement recognition)	

4. The entity is an empowering supplier in terms of **the dti** Codes of Good Practice.
5. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the owners of the enterprise which I represent in this matter.
6. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

Deponent Signature: _____

Date: _____

Commissioner of Oaths
Signature & stamp

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 home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		

4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

SBD 8

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION
FORM IS TRUE AND CORRECT.**

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js365bW

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

PRICING SCHEDULE

(Professional Services)

NAME OF BIDDER: RFQ 010-2021-22

CLOSING TIME 15:00 PM ON 25 NOVEMBER 2021

OFFER TO BE VALID FOR 60 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY INCLUSIVE OF **ALL APPLICABLE TAXES
------------	-------------	---

RFQ 010-2021-22: FOR THE PROVISION OF LEGAL DRAFTING SERVICES TO GTAC FOR ITS SUPPORT TO THE DEPARTMENT OF PUBLIC ENTERPRISES IN THE DRAFTING OF AN INDICATIVE BILL TO REGULATE THE GOVERNANCE OF SPECIFIED COMMERCIAL STATE-OWNED ENTITIES – REQUIRED SERVICE PROVIDER: DRAFTING OF LEGISLATION EXPERT

- Services must be quoted in accordance with the attached Terms of Reference.
- All prices quoted **must** be inclusive of all applicable taxes, if no indication is given, prices will be evaluated as all-inclusive.

Quoted Amount for the entire project (All applicable taxes) R** _____

- The financial proposal for this assignment should cover for all assignment activities as per the Terms of Reference (ToR) including the potential disbursements.
- Service Providers must submit a detailed breakdown of the quoted amount in their company template/letter head and submit as part of the response.**
- Period required for commencement with project after acceptance of bid _____
- Are you a VAT vendor? Yes/No
- Are the rates quoted firm for the full period? Yes/No
- If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.

Any enquiries regarding this Request for Quotation (RFQ) procedures may be directed to: rfp@gtac.gov.za

** "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.