



REQUEST FOR QUOTATION

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

RFQ DOCUMENT NUMBER:	ICT- BOARDROOM SOLUTION
RFQ ISSUE DATE	02 December 2021
RFQ CLOSING DATE AND TIME:	10 December 2021 @ 16H00
PRICING VALIDITY PERIOD	120 days from RFQ closing date
DESCRIPTION OF SERVICES REQUIRED	Provisioning of the Convene Boardroom Solution or equivalent for twenty-four (24) months
PERIOD OF CONTRACT	Twenty-Four (24) months
BRIEFING SESSION (IF APPLICABLE)	No Briefing Session
RFQ RESPONSE ADDRESS	Responses to this RFQ must be emailed to the following address: rfq@saga.co.za
ENQUIRIES	Please direct all inquiries in writing to the following contact person and e-mail address: Mr. Joshua Ntsioa: jntsioa@saga.co.za

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SECTION 1: TERMS OF REFERENCE

1. INTRODUCTION

- 1.1. The South African Qualifications Authority (SAQA) is a juristic person under the National Qualifications Framework Act, 67 of 2008 (NQF Act) and a schedule 3(A) national public entity under the Public Finance Management Act, 1 of 1999. SAQA performs its statutory functions subject to the NQF Act and is responsible for overseeing the implementation and further development of the National Qualifications Framework (NQF) and ensuring the achievement of its objectives.
- 1.2. The objectives of the NQF are to –
 - 1.2.1. create a single integrated national framework for learning achievements.
 - 1.2.2. facilitate access to, and mobility and progression within, education, training and career paths.
 - 1.2.3. enhance the quality of education and training; and
 - 1.2.4. accelerate the redress of past unfair discrimination in education, training, and employment opportunities.
- 1.3. The NQF consists of three qualifications sub-frameworks (for [a] General and Further Education and Training, [b] Higher Education and [c] Trades and Occupations) and its objectives are designed to contribute to the full personal development of each learner and the social and economic development of the nation at large.
- 1.4. SAQA is the custodian of the NQF, co-ordinates the three qualifications sub-frameworks and plays a pivotal role in the entire education and training sector.

2. SCOPE OF SERVICES REQUIRED

2.1 The required board room solution must include but not be limited to the following:

- Access to the most up-to-date board packs and meetings through apps and the web
- Ability to create and manage dynamic board meeting packs on application
- Create decision and action lists and track progress with actions
- Create draft minutes
- Scheduling of meetings with auto invitations and notifications
- Review meetings and documents securely both online and offline, past, and present
- Mark private and shared annotations, highlights, text, notes, and actions on documents



- Join board meetings from remote locations via in-app audio and video conference
- Live presentation of documents during meetings
- Sign documents with eSignature
- Make decisions by e-voting
- Do quick whiteboard meetings, anytime
- Collate electronic board packs with a single click
- Instant distribution of board packs including last-minute updates
- Upload documents and meeting materials via easy drag-and-drop
- Give access to meeting pack through the tool
- Keep track of document versions
- Export meeting pack as PDF
- Support multiple boards and committees set up
- Cater for 50 users;

2.2 Security & Availability

- Secure data hosting on SSAE18 and ISO27001 compliant infrastructure
- Strong AES-256 encryption, authentication, and authorization mechanisms
- Access permission setting to enforce document confidentiality
- Strong mobile security to protect data on mobile devices
- Auto and manual wiping of offline data on lost devices
- Disaster Recovery (DR) & High Availability (HA)
- Multi-Factor Authentication

2.3 Platform, Integration & Migration

- On-premises and Cloud hosting SSO, AD, LDAP Integration
- Document Management System
- Integration Microsoft Exchange Integration
- Data Migration

2.4 Support & Training

- 24*7 Onsite and Remote Support
- Onsite and Remote Training

3. DURATION OF CONTRACT

- 3.1. SAQA will enter into a twenty-four (24) months contract (SLA/PO) with the recommended service provider.

4. EVALUATION OF BID

- 4.1. The bid will be evaluated in 5 stages:

4.1.1. Stage 1: Administrative compliance

Provisioning of the Convene Boardroom Solution or equivalent for twenty-four (24) months



4.1.2. Stage 2: Mandatory requirements

4.1.3. Stage 3: Functionality evaluation

4.1.4. Stage 4: Price and B-BBEE

4.2. **Stage 1: Administrative compliance**

4.2.1. Bids will be screened to ensure compliance with all administrative requirements.

4.2.2. Bidders must ensure that they complete and sign all bid documents and that they attach all required documents, including the Central Supplier Database details and information required by the RFQ.

4.2.3. Bids that do not comply with administrative compliance may be disqualified by SAQA.

4.3. **Stage 2: Mandatory requirements**

4.3.1. Bids will be evaluated to ensure compliance with all mandatory requirements.

4.3.2. Bidders must ensure that they comply with all mandatory requirements of the RFQ in order to advance to Stage 3: Functionality Evaluation.

4.3.3. Bids that do not comply with the mandatory requirements will be disqualified by SAQA:

4.3.4. **NB:** Bidders must provide SAQA with proof of registration or accreditation or Equivalent Certification for the proposed solutions as the mandatory requirement for this Bid.

4.4. **Stage 3: Functionality evaluation**

4.4.1. Bids will be evaluated and scored against the evaluation criteria set out below. A bid will be disqualified if it does not meet a “minimum rating to qualify” indicated for a criterion.



FUNCTIONALITY CRITERIA				
No.	Criteria	Sub-criteria	Weighting	Points
1	Bidder's relevant experience for the assignment: (The bidder must attach duly signed relevant reference letter(s) to qualify for the indicated points)	The reference letters must bear the letterheads of the organization/s where similar service was successfully implemented: 1. A bidder with no relevant reference letters = 0 points 2. A bidder with at least one relevant reference letters = 10 points 3. A bidder with at least two relevant reference letters = 20 points 4. A bidder with at least three relevant reference letters = 30 points 5. A bidder with at least four relevant reference letters = 40 points 6. A bidder with at least five or more relevant reference letters = 50 points NB: Letters of agreement, contracts, or purchase orders may not replace relevant reference letters.	50%	50
2	The service provider must demonstrate by attaching the full CV that the project specialist has the experience, knowledge, skills,	The CV must detail the experience in implementing services. 1. Project specialist with no working experience = 0 points 2. Project specialist with 1 year working experience = 5 points 3. Project specialist with 2 years	30%	30

FUNCTIONALITY CRITERIA				
No.	Criteria	Sub-criteria	Weighting	Points
	and ability to provide SAQA with the required service. (The bidder must attach the Qualifications and (CV) and Certifications to qualify for points)	working experience = 15 points 4. Project specialist with 3 years working experience = 20 points 5. Project specialist with 4 years working experience = 25 points 6. Project specialist with more than 5 years working experience = 30 points		
TOTAL POINTS				80

4.4.2. A bidder must obtain a minimum of 64 out of 80 Points for functionality (Phase 1) to qualify for evaluation on Presentation (Phase 2). Bids scoring less than 64 points for functionality will be disqualified.

4.4.3 Stage 3: Presentation Evaluation - Phase 2

STAGE 4: FUNCTIONALITY: (PRESENTATION) PHASE 2		
Presentation by Bidders who passed functionality in Phase 1	Points will be awarded as follows: - Bidders understanding of the requirements and its capacity to deliver = 10 points - Explanation as to why the firm should be selected as the preferred Service Provider, including any value-added services = 10 points	20
Total points		20

4.4.3.1 A bidder must obtain a minimum of **80 Points** for functionality (Phase 1 and 2) to qualify for evaluation on Price and B-BBEE - Stage 5.

4.5. Stage 4: Price and B-BBEE

- 4.5.1. Bidders must complete the pricing schedule SBD 3.1 and submit it in a separate envelope.
- 4.5.2. Only qualifying bids will be evaluated in accordance with the 80/20 preference point system, as contemplated by the Preferential Procurement Framework Act 5 of 2000 and the Preferential Procurement Regulations, 2017.
- 4.5.3. Preference points will be awarded as contemplated by Regulations 6(2) and 7(2) of the Preferential Procurement Regulations, 2017 for attaining the B-BBEE status level 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

- 4.5.4. Bidders must complete and submit the preference points claim form SBD 6.1 with satisfactory proof of B-BBEE status level if they wish to claim preference points.
- 4.6. The recommended bidder will be required to make a presentation to SAQA's Senior Management Team demonstrating the solution before appointment.

5. VALIDITY PERIOD OF PROPOSAL

The bid proposal must remain valid in all respects for at least 120 days after the tender closing date.



6. MAINTENANCE AND SUPPORT

6.1. Service Levels

6.1.1. Service Levels - the bidder will be required to meet certain service turnaround times to affect service restorations as part of Technical On-Site/Off-Site Support services.

6.2. SERVICES LEVELS AND APPLICABLE PENALTIES

6.2.1. Service Delivery Management

Table 2: Service Delivery Management - Minimum Service Level Standards			
SERVICE DELIVERY MANAGEMENT			
Service	Description	Target	Penalty
Setup and configuration	Installation and deployment of the solution on production	100% installation and full deployment	20% of the service invoice cost if the target has not been met.
Training of SAQA staff and board members	Training of all staff on the use of the products and services deployed.	100 % training of SAQA staff	20 % of the training invoice cost if the target is not met.
Response Times	The standard response time during working hours and after hours will be 4 hours. For urgent incidents, the response time will be within 2 hours. For crisis incidents (e.g., loss of entire solution service), the response time will be immediate.	Minimum 100% response time required	20% of the monthly invoice amount



7. PENALTY MAXIMUM LIMIT AND SERVICE DISPUTES

- 7.1 The maximum penalties will be limited to 20% per month of the total monthly service delivery costs.
- 7.2 Should SAQA issue a service deficiency notice to the Service Provider more than twice in any rolling 6-month period, SAQA shall be entitled, but not obliged, to immediately terminate the contract in writing.
- 7.3 SAQA shall be entitled to deduct from any monies payable to the Service Provider, an amount equivalent to the value of any substandard performance or non-performance of any or all the Services by the Service Provider. SAQA, acting reasonably, shall in its discretion determine the amount of the deduction.
- 7.4 Without detracting from any other obligations of the Service Provider, the Service Provider shall render the Services in accordance with the service levels, timeframes and subject to the penalties set out above.
- 7.5 The Service Provider shall not be entitled to any service credits should the Services be delivered within or ahead of target timeframes.
- 7.6 The deduction of a penalty by SAQA does not exempt the Service Provider from resolving the performance deficiency timeously, nor does it prevent SAQA from deducting further penalties until the performance deficiency is resolved by the Service Provider to SAQA's satisfaction.
- 7.7 SAQA reserves the right to enter into Service Disputes at any point in time with the view of contract cancellation, should the deliverables not be met on time during a Service Dispute, the service provider shall continue to render services per these service levels.



PRICING SCHEDULE – FIRM PRICES

(SERVICES)

NOTE: ONLY FIRM PRICES PER YEAR WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

NAME OF BIDDER: RFQ NO.:

CLOSING TIME: 16H00

CLOSING DATE: **10 December 2021**

OFFER TO BE VALID FOR 120 DAYS FROM THE CLOSING DATE OF BID.

1. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.

TOTAL: R

2. The ceiling price must include all applicable taxes, including value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.
3. The bidder confirms the correctness of the prices and rates quoted in its pricing proposal, is solely responsible for, and bound by the pricing proposal submitted for this bid, including all calculations. The bidder accepts that any errors contained therein regarding prices, rates and calculations are at the bidder's own risk.



Pricing schedule

1. First year

Item	Once off	Once off Cost	Recurring cost	Total Cost
Setup and Configuration				
Setup and configuration of production environment	Once off	R	R	R
Survey Setup	Once off	R	R	R
Annual licenses Subscription				
Solution/Convene Subscription(annual) for 50 users	Annual	R	R	R
Surveys	Annual	R	R	R
Training and Maintenance				
Training for 50 users and handholding for first 2 Board meetings (Remotely)	Once off	R	R	R
Support and Maintenance	Monthly	R	R	R
Total annual (excluding VAT)				R
VAT. 15%				R
Total - (All inclusive)				R



2. Second year

Item	Once off	Once off Cost	Recurring cost	Total Cost
Annual licenses Subscription				
Solution/Convene Subscription(annual) for 50 users	Annual	R	R	R
Surveys	Annual	R	R	R
Support and Maintenance	Monthly	R	R	R
Total annual (excluding VAT)				R
VAT. 15%				R
Total - (All inclusive)				R

NB: The bidders may submit a detailed price breakdown on each item they proposed.

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where -

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his or her representative:

.....

2.2 Identity Number:

.....

2.3 Position occupied in the Company (director, trustee, shareholder²):

.....

2.4 Company Registration Number:

.....

2.5 Tax Reference Number:

.....

2.6 VAT Registration Number:

.....

- 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

¹"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;

- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

²"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder

YES / NO

presently employed by the state?

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

YES / NO

the appropriate authority to undertake remunerative work outside employment in the public sector?

2.7.2.1 If yes, did you attached proof of such authority to the bid

YES / NO

document?

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

2.8.1 If so, furnish particulars:

.....
.....
.....

2.9 Do you, or any person connected with the bidder, have **YES / NO**
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?

2.9.1 If so, furnish particulars.

.....
.....
.....

2.10 Are you, or any person connected with the bidder,
YES/NO
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
YES/NO
of the company have any interest in any other related companies
whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:

.....
.....

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

Full Name	Identity Number	Personal Tax Reference Number	State Number / Employee Persal Number

4 **DECLARATION**

I, THE UNDERSIGNED (NAME).....
 CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS
 CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME
 IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD
 THIS DECLARATION PROVE TO BE FALSE.

.....

 Signature

Date

.....

.....
Position

.....

Name of Bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

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

b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

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

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

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

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

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

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“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 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \text{or} & P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \end{array}$$

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 (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

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 10 or 20 points)
(Points claimed in respect of paragraph 6.1 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		NO	
-----	--	----	--

- 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		NO	
-----	--	----	--

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

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

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

Y Partnership/Joint Venture / Consortium

Y One person business/sole propriety

Y Close corporation

Y Company

Y (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

8.6 COMPANY CLASSIFICATION

Y Manufacturer

Y Supplier

Y Professional service provider

Y 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

.....

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 ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or

services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

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.

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Signature

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Date

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Position

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Name of Bidder