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REQUEST FOR QUOTATION (RFQ)

RFQ	RFQ/FIN/2023/1
RFQ ISSUE DATE	19 JANUARY 2023
RFQ DESCRIPTION	PROVISION OF HOST-TO-HOST SERVICES BETWEEN SABC, THE FOUR MAIN BANKS AND EASYPAY FOR A PERIOD OF TWO (2) YEARS.
NON-COMPLUSORY BRIEFING SESSION	N/A
CLOSING DATE & TIME	06 FEBRUARY 2023 AT 12H00

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

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

For queries, please contact **Koena Legodi** on this email tenderenquiries@sabc.co.za

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

SUPPLIER NAME: _____

POSTAL ADDRESS: _____

TELEPHONE NO: _____

FAX NO. : _____

E MAIL ADDRESS: _____

CONTACT PERSON: _____

CELL NO: _____

SIGNATURE OF BIDDER: _____

NOTES ON QUOTATIONS AND PROPOSALS SUBMISSION

1. All electronic submissions must be submitted in a **PDF** format that is protected from any modifications, deletions, or additions.
 2. Financial/pricing information must be presented in a **separate** attachment from the Technical / Functional Response information.
 3. The onus is on the Bidder to further ensure that all mandatory and required documents are included in the electronic submission.
 4. All submissions should be prominently marked with the following details in the email subject line:
 - **RFQ Number and bidders' name.**
 5. Bidders are advised to email electronic submissions at least thirty minutes before the bid closing time to cater for any possible delay in transmission or receipt of the bid. The onus is on bidder to ensure that the bid is submitted on time via email
 6. Tender submission emails received after submission date and time will be considered late bid submissions and will not be accepted for consideration by SABC.
 7. SABC will not be responsible for any failure or delay in the email transmission or receipt of the email including but not limited to:
 - receipt of incomplete bid
 - file size
 - delay in transmission receipt of the bid
 - failure of the Bidder to properly identify the bid
 - illegibility of the bid; or
 - Security of the bid data.
- **NB: THE BIDDER SHOULD ENSURE THAT LINKS FOR WETRANSFER AND GOOGLE DROP BOX EXPIRE AFTER 30 DAYS OF THEIR SUBMISSIONS INSTEAD OF 7 DAYS.**

1. FIRST PHASE – PREQUALIFICATION CRITERIA: MANDATORY DOCUMENTS

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

		Bidders to indicate Compliance	
		Yes/No	<i>Supporting Evidence (refer to page number or Annexure in your response where applicable)</i>
1.	The proposed solution operates across a secure network using Connect: Direct		
2.	Bidder registered as a systems operator with PASA (Payments Association of South Africa)		
3.	The proposed solution is bank independent, i.e. the solution should not limit the SABC to bank with a specific banking institution.		
4.	The solution includes a user interface to allow authorised SABC users to view and release/reject files after verifying the content (without being able to maintain the content of the files)		
5.	Must have a business office in South Africa <i>Please provide physical address</i>		
6.	Bidder included Connect: Direct fees in proposal		

NON-COMPLIANCE WITH ANY OF THE ABOVE MANDATORY REQUIREMENTS WILL RESULT IN AUTOMATIC DISQUALIFICATION

REQUIRED DOCUMENTS

- 1.1 Submit proof CSD registration
- 1.2 Proof of Valid TV License Statement for the Company; all active Directors and Shareholder must have valid TV Licenses.
(Verification will also be done by the SABC internally).
- 1.3 Valid Tax Clearance Certificate or SARS “Pin” to validate supplier’s tax matters
- 1.4 Original or Certified copy of Valid BBEE Certificate (from SANAS accredited Verification Agency)
- 1.5 All EME’s and 51% black Owned QSE’s are only required to obtain a **sworn affidavit** on an annual basis, confirming the following;
 - 1.4.1 Annual Total Revenue of R10 Million or less (EME) or Revenue between R10 Million and R50 Million for QSE
 - 1.4.2 Level of Black Ownership

Note 1:

Verification Agencies and Auditors who are accredited by the IRBA (Independent Regulatory Board for Auditors) are no longer the ‘approved regulatory bodies’ for B-BBEE verification and therefore IRBA auditors are not allowed to issue B-BBEE certificates after 30 September 2016.

Note 2:

Any misrepresentation in terms of the above constitutes a criminal offence as set out in the B-BBEE act as amended.

- 1.6 Certified copy of Company Registration Document that reflect Company Name, Registration number, date of registration and active Directors or Members.
- 1.7 Certified copy of Shareholders’ certificates.
- 1.8 Certified copy of ID documents of the Directors or Members.

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

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

DETAILED TECHNICAL REQUIREMENTS

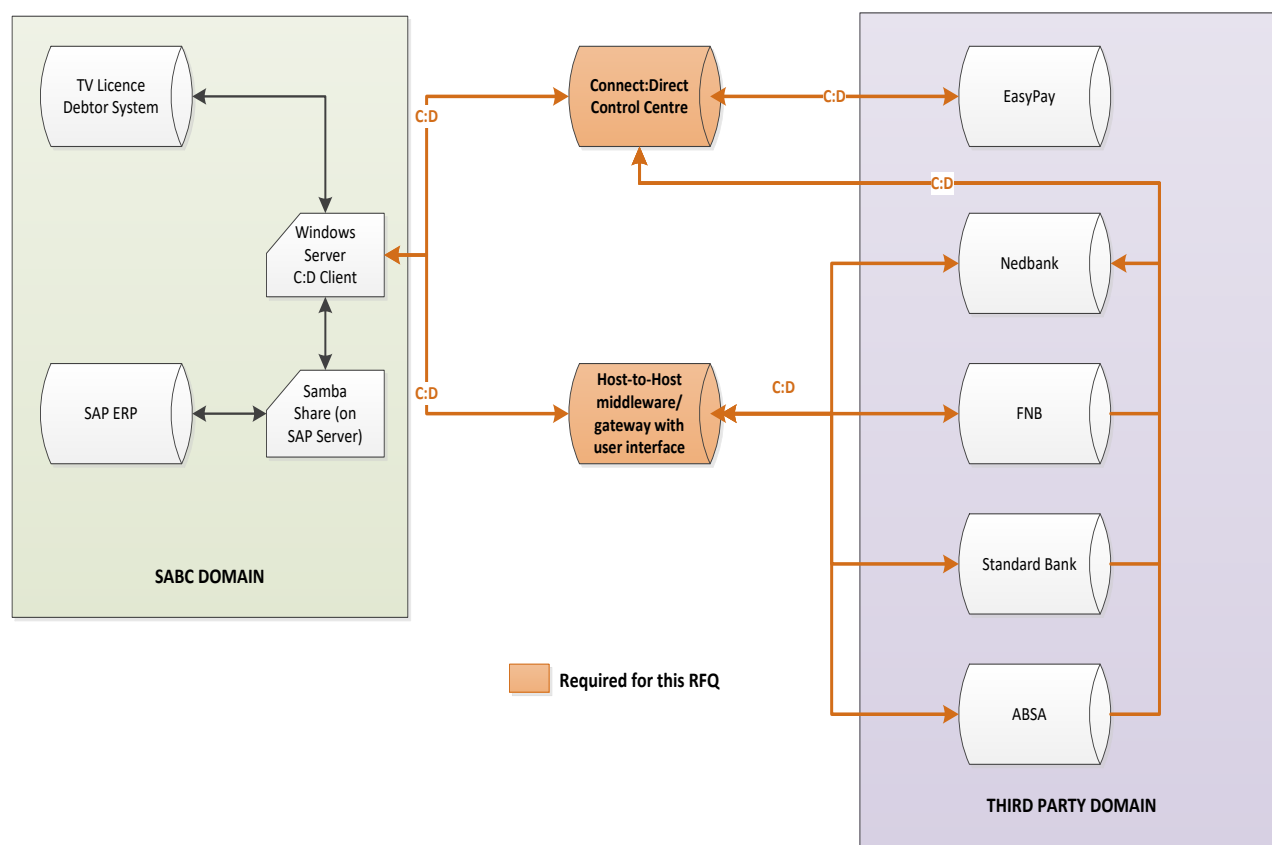
1. BACKGROUND

The SABC is using SAP ERP to manage various key business processes including Finance, Human Resources, Sales, Governance etc.

The SABC implemented a host-to-host solution during 2016. The solution enables secure file transfers (e.g. payment and statement files), messaging and approval processes between the Corporation and the four main banks, ABSA, FNB, Standard Bank and Nedbank. It also enables file transfers between the SABC and EasyPay – one of the TV Licence pay point service providers.

Due to the significant risks associated with processing of payroll files and Television Licence payment files, the SABC will continue to use a managed hosted solution using Connect:Direct (C:D) for file transfers.

The following depicts the SABC's current host-to-host process:



2. SCOPE OF WORK

The service provider will be contracted for a period of two years to provide the following:

- a) A host-to-host solution between the SABC and the four main banks for payment uploads and statement downloads.
- b) Secure File transfer processes between the SABC and EasyPay.
- c) It should be able to convert any file format without manual input into the format required by the SABC and the banks.
- d) A full audit trail of all transactions processed and any changes made throughout the system should be kept.
- e) SABC should have a user interface to the file management system.
- f) Authorised SABC users should be able to view the content of files without having access to make any changes to the file, i.e. unencrypted clear text.
- g) Authorised SABC users should be able to release or reject a file after verifying the file content.
- h) Authorised SABC users should be able to view the file delivery progress and receive notifications at agreed intervals in the process, e.g. when errors occur or when the file is delivered/processed successfully.
- i) The solution should include failover capabilities, backups and full disaster recovery.
- j) The SABC should be able to manage user access and privileges.
- k) The SABC should receive system notifications to automatically be delivered to a specific location for all payment files processed via the user interface, e.g. Approver 1 payment file released, Approver 1 payment file rejected, Bank Acknowledged payment file, Bank rejected payment file, etc.
- l) The solution should display details of unpaid statement file transactions, e.g. name or bank account number of employee / vendor.
- m) The following interfaces should be included in the proposal:
 - i. ABSA
 - ii. Nedbank
 - iii. Standard Bank
 - iv. First National Bank
 - v. EasyPay
- n) The proposal should include 80 development hours to implement custom enhancements during the contract term (post-implementation). These hours are not guaranteed and should only be billed after obtaining client approval of the hours to be used for a specific request and on completion of implementation of the required enhancement.
- o) The files to be uploaded from or downloaded to the SABC include, but are not limited to, the following:

File Name	Bank	Frequency	Average Monthly Volumes	
			Statements	Transactions
SABC Payroll File	Nedbank	Main file <u>once</u> a month (with ad-hoc payments throughout the month, ± 4 per month)		9 000 p/m
SABC Bonus Payroll File	Nedbank	Once a year		3 500
SABC Freelance Payments	Nedbank	Main file once a month (with ad-hoc payments throughout the month, ± 4 per month)		2 000 p/m
SABC Payroll Vendor Payments	ABSA	Once a month		20 p/m
SABC Staff Customer Payments	ABSA	Twice a week		600 p/m
SABC Vendor Payments	ABSA	Twice a month (including ad-hoc payments)		3 000 p/m
SABC Vendor Payments – Travel	ABSA	Twice a month		500 p/m
SABC TV Licence Debit Orders	Nedbank	7 files per month		155 800 p/m
Bank Statements	ABSA	Daily file	27	94 600 p/m
Bank Statements	Standard Bank	Daily file	4	55 000 p/m
Bank Statements	First National Bank	Daily file	4	59 400 p/m
Bank Statements	Nedbank	Daily file	4	17 600 p/m
TV Licence payments & account information	EasyPay	Daily file		4 000 000 p/m

3. CONTRACT PERIOD

3.1 Two (2) years.

4. COSTING

The quotation must reflect a detailed cost breakdown, and any indirect costs associated with the rendering of this service.

5. RFQ RESPONSE INFORMATION

Effective Date of Bid

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

6. EVALUATION CRITERIA

6.1 BBBEE and Price

- The RFQ responses will be evaluated on the **80/20**-point system.

6.2 Technical Evaluation

- The RFQ submission will be technically evaluated out of a maximum of **100**.
- A threshold of **75** out of **100** has been set.
- Bidder who obtains less than **75** points **will not** be considered for the next phase of evaluation.

6.3 Objective Criteria

- The SABC further reserve the right not to award this RFQ to any bidder based on the proven poor record of accomplishment of the bidder in previous projects within the SABC.
- Bidders who are blacklisted or have committed other acts of fraud and misrepresentation of facts e.g. tax compliance, BBBEE, company financials, etc. will be eliminated from the bid process.

PAPER BASED EVALUATION CRITERIA

Evaluation Area	Evaluation Criteria	Comply/Don't Comply		Min Points	Max Points
		Y/N	Comments (Please include the page number reference to the proposal)		
Compliance with the given requirements	Proposed solution includes secure File transfer processes between the SABC and EasyPay			5	5
	Proposed solution provides a managed host-to-host solution between the SABC and the four main banks for payment uploads and statement downloads.			5	5
	Display details of the unpaid payments or rejections on the multicash statement file			5	5

	It will be able to convert any file format without manual input into the format required by the SABC and the banks			5	5
	A full audit trail of all transactions processed and any changes made throughout the system will be kept.			5	5
	Authorised SABC users will be able to view the content of files without having access to make any changes to the file			5	5
	Authorised SABC users will be able to download the bank rejections report in a PDF format			0	5
	Authorised SABC users will be able to view the file delivery progress and receive notifications at agreed intervals in the process, e.g. when errors occur or when the file is delivered/processed successfully			5	5
	The solution includes failover capabilities, backups and full disaster recovery.			5	5
	The SABC will be able to manage user access and privileges			5	5
	The following interfaces are included in the proposal: <ul style="list-style-type: none"> • ABSA • Nedbank • Standard Bank • FNB • EasyPay 			10	10
Company previous experience	Proven record, ability and success in providing host-to-host services with client reference details. Please complete Annexure C. <ul style="list-style-type: none"> • Reference details of 3 or more companies where host-to-host 			10	15

	<p>services are currently being provided (15)</p> <ul style="list-style-type: none"> • Reference details of 2 companies where host-to-host services are currently being provided (10) • Reference details from less than 2 companies where host-to-host services are currently being provided (0) 				
Implementation Approach	<p>Describe project implementation process. Please provide implementation project plan (include milestones from project kick-off to go-live)</p> <ul style="list-style-type: none"> • Go-live within 6 weeks of project kick-off (10) • Go-live within 12 weeks of project kick-off (5) • Go-live more than 12 weeks after project kick-off (0) 			5	10
Support	<p>Describe service management process.</p> <p>Detailed service management process described from registering a service request to completion must include the following:</p> <ul style="list-style-type: none"> • SABC will have access to service provider call logging system (5) • Service Level Agreement included in proposal (5) • Escalation procedure included in proposal (5) • No/insufficient details supplied (0) 			5	15
Total points				75	100

7. ADJUDICATION USING A POINT SYSTEM

- 7.1 The bidder obtaining the highest number of total points will be awarded the contract
- 7.2 Preference points shall be calculated after process has been brought to a comparative basis taking into account all factors of non-firm prices.
- 7.3 In the event that two or more bids have scored equal points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 7.4 However, when functionality is part of the evaluation process and two or more bids have scored equal points for B-BBEE, the successful bid must be the one scoring the highest score for functionality
- 7.5 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

8. POINTS AWARDED FOR PRICE

The **80/20** preference point system

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

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

P_s = Points scored for comparative price of bid under Consideration
 P_t = Comparative price of bid under consideration
 P_{min} = Comparative price of lowest acceptable bid

B-BBEE PREFERENTIAL POINTS WILL BE AWARDED AS FOLLOWS:

B-BBEE Status Level of Contributor Number of Points

B-BBEE Status level of Contributor	Number of points
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- 9.1. Bidders who qualify as EME's in terms of the B-BBEE Act must submit a certificate issued by a verification Agency accredited by SANAS for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates or DTI Affidavit.

- 9.2. Bidders other than EMEs must submit their original and valid B-BBEE status levels verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a verification agency accredited by SANAS.
- 9.3. A trust, consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate
- 9.4. A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 9.5. Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 9.6. A tenderer will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intend sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended Sub-contractor is an EME that has the capacity and the ability to execute the sub-contract.
- 9.7. A tenderer awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capacity and the ability to execute the sub-contract.

9. COMMUNICATION

Respondents are warned that a response will be disqualified should any attempt be made by a tenderer either directly or indirectly to canvass any officer(s) or employees of SABC in respect of a tender, between the closing date and the date of the award of the business.

All enquiries relating to this RFQ should be emailed three days before the closing date.

10. CONDITIONS TO BE OBSERVED WHEN TENDERING

- The Corporation does not bind itself to accept the lowest or any tender, nor shall it be responsible for or pay any expenses or losses which may be incurred by the Tenderer in the preparation and delivery of his tender. The Corporation reserves the right to accept a separate tender or separate

tenders for any one or more of the sections of a specification. The corporation also reserves the right to withdraw the tender at any stage.

- No tender shall be deemed to have been accepted unless and until a formal contract / letter of intent is prepared and executed.
- The Corporation reserves the right to:
 - **Not evaluate and award submissions that do not comply strictly with his RFQ document.**
 - **Make a selection solely on the information received in the submissions and**
 - i. Enter into negotiations with any one or more of preferred bidder(s) based on the criteria specified in the evaluation of this tender.
 - ii. Contact any bidder during the evaluation process, in order to clarify any information, without informing any other bidders. During the evaluation process, no change in the content of the RFQ shall be sought, offered or permitted.
 - iii. Award a contract to one or more bidder(s).
 - iv. Accept any tender in part or full at its own discretion.
 - v. Cancel this RFQ or any part thereof at any time.
 - vi. Should a bidder(s) be selected for further negotiations, they will be chosen on the basis of the greatest benefit to the Corporation and not necessarily on the basis of the lowest costs, aligned to the BBBEE & Preference Point system.

11. Cost of Bidding

The Tenderer shall bear all costs and expenses associated with preparation and submission of its tender or RFQ, and the Corporation shall under no circumstances be responsible or liable for any such costs, regardless of, without limitation, the conduct or outcome of the bidding, evaluation, and selection process.

12. Payment Terms

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

END OF RFQ DOCUMENT

Annexed to this document for completion and return with the document:

- | | | |
|------------|---|---|
| Annexure A | - | Declaration of Interest |
| Annexure B | - | Consortiums, Joint Ventures and Sub-Contracting Regulations |
| Annexure C | - | Previous completed projects/Current Projects |
| Annexure D | - | SBD Form 8 & 9 |

ANNEXURE A

DECLARATION OF INTEREST

1. Any legal or natural person, excluding any permanent employee of SABC, may make an offer or offers in terms of this tender invitation. In view of possible allegations of favouritism, should the resulting tender, or part thereof be awarded to-
 - (a) any person employed by the SABC in the capacity of Tenderer, consultant or service provider; or
 - (b) any person who acts on behalf of SABC; or
 - (c) any person having kinship, including a blood relationship, with a person employed by, or who acts on behalf of SABC; or
 - (d) any legal person which is in any way connected to any person contemplated in paragraph (a), (b) or (c),

it is required that:

The Tenderer or his/her authorised representative shall declare his/her position *vis-à-vis* SABC and/or take an oath declaring his/her interest, where it is known that any such relationship exists between the Tenderer and a person employed by SABC in any capacity.

Does such a relationship exist? [YES/NO]

If YES, state particulars of all such relationships (if necessary, please add additional pages containing the required information):

	[1]	[2]
NAME	:
POSITION	:
OFFICE WHERE EMPLOYED	:
TELEPHONE NUMBER	:
RELATIONSHIP	:

2. Failure on the part of a Tenderer to fill in and/or sign this certificate may be interpreted to mean that an association as stipulated in paragraph 1, *supra*, exists.
3. In the event of a contract being awarded to a Tenderer with an association as stipulated in paragraph 1, *supra*, and it subsequently becomes known that false information was provided in response to the above question, SABC may, in addition to any other remedy it may have:
 - recover from the Tenderer all costs, losses or damages incurred or sustained by SABC as a result of the award of the contract; and/or
 - cancel the contract and claim any damages, which SABC may suffer by having to make less favourable arrangements after such cancellation.

SIGNATURE OF DECLARANT

TENDER NUMBER

DATE

POSITION OF DECLARANT

NAME OF COMPANY OR TENDERER

ANNEXURE B

CONSORTIUMS, JOINT VENTURES AND SUB-CONTRACTING REGULATIONS

1. CONSORTIUMS AND JOINT VENTURES

- 1.1 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 1.2 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate tender.

2 SUB-CONTRACTING

- 2.1 A person awarded a contract may only enter into a subcontracting arrangement with the approval of the organ of state.
- 2.2 A person awarded a contract in relation to a designated sector, may not subcontract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 2.3 A person awarded a contract may not subcontract more than 30% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level of contributor than the person concerned, unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

3 DECLARATION OF SUB-CONTRACTING

- 3.1 Will any portion of the contract be sub-contracted? YES / NO
- 3.2 If yes, indicate:
 - 3.2.1 The percentage of the contract will be sub-contracted%
 - 3.2.2 The name of the sub-contractor
 - 3.2.3 The B-BBEE status level of the sub-contractor.....
 - 3.2.4 whether the sub-contractor is an EME YES / NO

SIGNATURE OF DECLARANT

TENDER NUMBER

DATE

POSITION OF DECLARANT

NAME OF COMPANY OR TENDERER

ANNEXURE “C”

Previous completed Host-to-Host projects (*preferably provide a detailed company profile, detailed the below mentioned information*)

Project Descriptions	Client	Contact no	Contact person	Email address	Period of projects	Value of projects	Project Commence date	Completed date

Current Host-to-Host projects (*preferably provide a detailed company profile, detailed the below mentioned information*)

Project Descriptions	Client	Contact no	Contact person	Email address	Period of projects	Value of projects	Project Commence date	Completion date

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

4.2	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:		

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.

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