

REQUEST FOR QUOTATION - INVITATION FOR GOODS AND/ OR SERVICES

Procurement Less than R 1 000 000 (Including Vat)



REQUEST FOR QUOTATION

National Prosecuting Authority South Africa

D11086

ELECTRONIC BACK-UP MEDIA OFF-SITE STORAGE SERVICES TO THE NPA FOR UP TO 6 MONTHS FROM DATE OF APPOINTMENT

INSTRUCTIONS

Please read the request in full **BEFORE** completing the RFQ. The RFQ is to be completed in full.

Please complete and submit the following (via email to the email address indicated – all documents to be in PDF format. Total attachments to the email should not exceed 5MB). **NOTE – NO downloads/links/drop box/ file share or similar will be accepted.**

- NPA request for quote
- Quote in your quote format
- SBD4
- SBD6.1 and valid BEE certificate/affidavit (only if quotation exceeds R 30 000)
- SBD8
- SBD9
- Detailed proposal in which you indicate how you propose to provide the services to the NPA. The proposal must also include, but is not limited to the following:
 - Company Profile
 - CVs of the resources who will be allocated to work on the account/project
 - References from other similar projects
 - Detailed pricing schedule
- Any other relevant supporting documents

Note – Please use the table on page 2 of this document as a checklist to ensure all documents are included in your submission. Submissions will be evaluated in terms of the criteria as per page 3 of this document.

In order to submit a quotation, your company must be registered on the Central Supplier Database (<https://secure.csd.gov.za>). Please remember that it is now your responsibility to maintain your data on the CSD and to ensure your company is compliant and that the tax status remains positive at all times.

NOTE – if your submission is too large to email, physical documents may be delivered to the NPA Head Office and placed in the SCM box at the main reception area (please **DO NOT** place documents in the tender box at the main entrance. Physical address is as follows:

**SUPPLY CHAIN MANAGEMENT (RFQ)
NATIONAL PROSECUTING AUTHORITY
VGM BUILDING
123 WESTLAKE AVENUE
WEAVIND PARK
SILVERTON
PRETORIA**



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If submissions are sent via courier/messenger, it is your responsibility to ensure they reach the NPA by the stated closing date & time.

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DOCUMENTS CHECK LIST

Service Providers (SP's) are requested to use the checklist below for documents to be submitted with the RFQ.

NO	DOCUMENTS	DOCUMENTS ATTACHED (YES/NO)
1.	Central Supplier Database (CSD) Registration Report (to verify compliance) * and not older than 1 week as per the closing date	
2.	B-BBEE Certificate (issued by SANAS accredited agency) / or sworn affidavit signed by valid Commissioner of Oaths	
3.	Company profile	
4.	Bidders must provide proposed approach/methodology, proposal and operational/works schedule indicating project activities, timeframes, deliverables and delivery lead times. The plan should cover the full scope of work.	
5.	Preferably two (2) or more signed reference letters of previous clients indicating client satisfaction, contract duration, project description and contract amount	
6.	CV's of the principal resources to be allocated to the project	
7.	Correctly completed and signed SBD4, 6.1, 8 and 9 documents	
8.	Completed and signed NPA RFQ document	
9.	Quotation/proposal with detailed pricing schedule	

*** NOTE – CSD compliance is measured as follows:**

- | | |
|--------------------------------------|----------------------------------|
| a. Business Status | - Must be IN BUSINESS |
| b. Restricted Supplier | - Must be NO |
| c. Banking Details | - Must be VERIFICATION SUCCEEDED |
| d. Overall Tax Status | - Must be TAX COMPLIANT |
| e. Directors - Restricted Supplier | - Must be NO |
| f. Directors – Government Employee** | - Must be NO |

Points a. and b. are found on page 1 of the CSD report. Points c. and d. will follow the addresses section and points e. and f. are found under each individual director's details – found on the last pages of the CSD report (if the company has multiple directors then ALL the listed director's individual compliance must reflect as NO in order for the supplier to be compliant).

****NOTE** – Government employees includes but is not restricted to the following - Persons employed by any National, Provincial or Local Government, inc any entities run/managed by any Organ of State. Persons employed at any State-Owned Entities are also excluded.

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EVALUATION CRITERIA

The following criteria will be used to evaluate this RFQ -

1. **Screening** – RFQ will be checked to ensure all documents are submitted, are signed (where relevant), are correct/valid and that the service provider is compliant in all aspects.
2. **Experience** – Proposal and reference letters (2 or more) will be evaluated to ensure that the SP has relevant experience.
3. **Pricing** – the pricing will be evaluated using the 80/20 points system with up to 80 points being allocated for pricing and up to 20 points allocated based on the BEE level (as per the BEE certificate/affidavit).

NOTE

Points 1, 2 and 3 above will be measured on a **COMPLY/NOT COMPLY** basis.

REQUEST FOR QUOTATION - INVITATION FOR GOODS AND/ OR SERVICES

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**REQUEST FOR QUOTATION**National Prosecuting Authority South Africa

REQUEST DATE:	16/09/2021
DEPARTMENT:	NPA
RFQ NUMBER:	D11086
REGION:	NATIONAL
DESCRIPTION OF GOODS/SERVICES:	REQUEST FOR SERVICE PROVIDER TO SUBMIT QUOTATIONS FOR PROVIDING SERVICE - ELECTRONIC BACK-UP MEDIA OFF-SITE STORAGE SERVICES TO THE NPA FOR A PERIOD OF 6 MONTHS
CLOSING DATE:	27/09/2021 by 11h00 (Emails/physical submissions must be RECEIVED by the closing date/time – no late submissions will be accepted)
SUPPORTING DOCUMENTS	1. SBD 4 (DECLARATION OF INTEREST) 2. SBD 8 (DECLARATION OF PAST PRACTICES) 3. SBD 9 (CERTIFICATE OF INDEPENDENT BID DETERMINATION) 4. SBD 6.1 (PREFERENCE POINTS CLAIM) 5. SIGNED SERVICE LEVEL AGREEMENT – To follow
BRIEFING SESSION: Time Date Venue	N / A
TECHNICAL ENQUIRIES:	JAMES PATTERSON – In writing to rfq@npa.gov.za
RFQ ENQUIRIES:	JAMES PATTERSON – In writing to rfq@npa.gov.za
SUBMISSION:	Complete Quotation may be emailed to rfq@npa.gov.za or delivered to the NPA Head Office (see page 1 for details)

NPA requests your quotation on the goods and/or services listed hereunder and/or on the available RFQ forms. Please furnish all information as requested and return your quotation on or before the date stipulated. Late and incomplete / missing documentations will invalidate the quotation submitted. NPA is not obliged to accept the lowest or any submission received. NPA reserves the right to accept the whole or any portion of a quotation.

This RFQ will be evaluated on the basis of the 80/20 point system as stipulated in the Preferential Procurement Policy Framework Act (Act number 5 of 2000) & NPA's Procurement Policies and Procedures.

REQUEST FOR QUOTATION - INVITATION FOR GOODS AND/ OR SERVICES

Procurement Less than R 1 000 000 (Including Vat)

RFQ NR D11086

Company Name:	
Supplier CSD Number:	MAAA
Contact Person:	
Position of the contact person:	
Physical address of the company:	
E-mail address:	
Tel number:	
Fax number:	
RFQ Validity:	60 days commencing from the closing date

NOTE

RFQ's above R 30 000-00 will be evaluated on the basis of the 80/20 point system as stipulated in the Preferential Procurement Policy Framework Act (Act number 5 of 2000).

Points will be allocated as follows (Claim to be accompanied by a valid B-BBEE Certificate):

B-BBEE Status Level of Contributor	Number of points (80/20 system)	<u>POINTS CLAIMED</u>
1	20	
2	18	
3	16	
4	12	
5	8	
6	6	
7	4	
8	2	
Non-compliant contributor	0	

SPECIAL CONDITIONS

1. All goods or services purchased will be subject to NPA Policies & Procedures.
2. It is the responsibility of the bidder to ensure that they are successfully registered on the Central Supplier Database and that they are compliant in all aspects of their registration.
3. All purchases will be made through an official order form. Therefore no goods must be delivered or services rendered **before an official order has been received.**
4. Only suppliers who are registered as VAT vendors are entitled to quote prices which are VAT inclusive
5. I certify that the information supplied is correct and I have read and understood the General Conditions of Contract and accept it. The GCC's are available on the National Treasury website - http://ocpo.treasury.gov.za/Buyers_Area/Legislation/Pages/Practice-Notes.aspx
6. **The award of this RFQ will be subject to the signing of a Service Level Agreement.**
7. I further certify that all the required information has been furnished and the relevant forms completed and are herewith submitted as part of the bid.

SIGNATURE / NAME OF BIDDER: _____ **CAPACITY:** _____

REQUEST FOR QUOTATION - INVITATION FOR GOODS AND/ OR SERVICES
Procurement Less than R 1 000 000 (Including Vat)

RFQ NR – D11086

ITEM NO	DESCRIPTION	QUANTITY REQUIRED	SPECIFICATION ATTACHED (Y/N)	UNIT OF MEASURE	PRICE PER UNIT OF MEASURE	TOTAL PRICE (INC VAT AS APPLICABLE)
Appointment of a service provider to provide electronic back-up media off-site storage services to the NPA for a period of up to 6 months from date of appointment/order date/signing of SLA.						
NOTE - THIS RFQ IS TO PROVIDE INTERIM SERVICES UNTIL BID NPA 11-21/22 IS FINALIZED AND AWARDED. IT DOES NOT REPLACE THE BID						
1.	Electronic back-up media off-site storage services to the NPA – Regions	As per pricing schedule	See scope of work attached.	Table 1	R	R
2.	Electronic back-up media off-site storage services to the NPA – VGM Building	As per pricing schedule	See scope of work attached.	Table 2	R	R
NOTE – - Appointed SP will be required to sign a Service Level Agreement (SLA) before commencement of services. - Services required for up to 6 months from issue of order/date of appointment/signing of SLA. - Appointed SP (directors & employees) will be subject to vetting. SP's who do not achieve a positive outcome may be disqualified. - Appointment via this RFQ does not imply that the SP will also be appointed for the bid.						

Conditions

TOTAL PRICE INCLUSIVE OF VAT:

R _____

- In the event of a mistake having been made on the pricing, it shall be crossed out in ink and accompanied by signature.
- All goods or services purchased will be subject to the General Conditions of Contract as issued by National Treasury.
- All prices quoted must be inclusive of Value Added Tax (VAT) – where applicable.
- Prices quoted must include delivery charges and goods must be delivered to the address provided.
- All prices submitted must be firm. "Firm" prices are deemed to be fixed prices, which are only subject to the following statutory changes, namely VAT and any levy related to customs and excise.
- The NPA reserves the right to decline any quotation/s received from the supplier.

IF NOT BIDDING, INDICATE SO AND RETURN DOCUMENTS TO THE RELEVANT PROCUREMENT OFFICIAL

NAME OF BIDDER: _____

SIGNATURE: _____

REQUEST FOR QUOTATION - INVITATION FOR GOODS AND/ OR SERVICES

Procurement Less than R 1 000 000 (Including Vat)

CAPACITY:

DATE:

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?

YES/NO

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.

Full Name	Identity Number	Personal Income Tax Reference Number	State Employee Number / 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 SHOULD THIS

DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

November 2011

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 80/20 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	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 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20

or

90/10

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

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 (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 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	☐	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 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

.....

.....

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:		

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[BM1].

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

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