



Eastern Cape CET College

c/o Eastern Cape Community Education & Training (CET) • Border Training Centre • 10 Mfaza Road • Eastern Cape • East London • 5219 • REPUBLIC OF SOUTH AFRICA • Website: <https://ec.cetc.edu.za> • Email: TMsuthwana@ec.cetc.edu.za • Tel: +27 41 180 4074

REQUEST FOR QUOTATION (RFQ)

REQUEST FOR QUOTATION	PROVISION OF INTERNET SERVICES FOR A PERIOD OF 12 MONTHS
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REFERENCE: RFQ/ECCETC/HO/01/06/2024

CLOSING DATE: 20 JUNE 2024

CLOSING TIME: 11:00

**YOU ARE HEREBY INVITED TO QUOTE FOR THE REQUIREMENTS OF THE EASTERN
CAPE COMMUNITY EDUCATION AND TRAINING COLLEGE
(EC CET College)**

DESCRIPTION: PROVISION OF INTERNET SERVICES FOR A PERIOD OF 12 MONTHS

REQUEST FOR QUOTE CONTACT PERSONS:

Enquiries should be directed to:

Ms. A Sangqu Email: ASangqu@ec.cetc.edu.za Tel: 041 180 4081 (Bidding process)

SUBMISSION OF DOCUMENTS

Proposals must be submitted via email to the following email addresses:

- i) **TMsuthwana@ec.cetc.edu.za**

Between **08h00-16h30**(Monday to Friday).

Closing date for quotation: 20 JUNE 2023

NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE

THE FOLLOWING PARTICULARS MUST BE PROVIDED:

(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)

NAME OF BIDDER

POSTAL ADDRESS

STREET ADDRESS

CELLPHONE NUMBERTEL NUMBER

VAT REGISTRATION NUMBER EMAIL

NAME OF SIGNITORY.....

SIGNATURE OF BIDDER DATE:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

TOTAL BID PRICE INCLUDING VAT



RFQ NOTICE

RFQ DESCRIPTION	RFQ NUMBER	Enquiries	CLOSING DATE
PROVISION OF INTERNET SERVICES FOR A PERIOD OF 12 MONTHS	RFQ/ECCETC/HO/01/06/2024	Ms A Sangqu Tell: 041-180 4081 Email: ASangqu@ec.cetec.edu.za	20 JUNE 2024 CLOSING TIME: 11:00am

Kindly furnish me with a written quotation for the provision of services as detailed in the enclosed specification. The quotations must be submitted before 11:00am on your business letterhead or stamped with your business stamp. The quotations must be emailed to TMsuthwana@ec.cetec.edu.za.

THE FOLLOWING MANDATORY DOCUMENTS MUST BE SUBMITTED WITH THE RFQ DOCUMENT AND FAILURE TO SUBMIT WILL LEAD TO THE QUOTATION BEING DECLARED NON-RESPONSIVE:

- Valid tax clearance certificate and tax compliance status documents with pin from SARS must be attached.
- A copy of business entity registration certificate e.g., CK Document
- A certified ID copy/s of company directors.
- Municipal Statement of account not older than three (3) months or Lease agreement if renting premises stating that the bidder is not obliged to pay municipal rates or letter from Ward Council confirming proof of address (rural areas bidders only)
- Proof of registration with Central Supplier Database (CSD) must be attached.**
- Detailed Pricing schedule.**
- Completed SBD 4;8 and 9.**
 - If the Bid Sum (amount in words) as per the SBD.1 differs from the SBD 3.1, it will automatically invalidate the offer submitted.
 - Provide a valid ICASA ECN license from ICASA to deliver telecommunications services in South Africa. Where the license is not available, a signed agreement with a Party who has the required license [license of the other party should be attached].
 - In the case where the successful bidder is not a telecommunications company, they must provide proof of valid membership of the Internet Service Provider Association of South Africa (ISPA), which must be in good standing. It is further required for such a bidder, that if any of their infrastructure at any point connects to a telecommunications company's infrastructure, that the dependent telecommunication company's valid ICASA license be produced.

Please note the following:

- RFQ documents must be completed with non-erasable ink. Any RFQ document completed with pencil will not be acceptable and shall be disqualified.
- Ensure that there are no errors or omissions as this may lead to Quotations being declared nonresponsive.
- The submission should be entirely legible. Any changes made to the original text of bid should be crossed through and signed for.
- DO NOT USE CORRECTION FLUID as this may invalidate your submission.

Evaluation Criteria for this procurement will be as follows:

- Stage 1 – Functionality (Attached)
- Stage 2 - Price and Preferential Points System.

NB: all bidders should at least obtain a minimum of 60% in stage 1 (functionality) to qualify for stage 2 (Price Evaluation).

Price Points	= 80
Specific goals	= <u>20</u>
TOTAL	=100

“On the 04 November, the minister of Finance gazetted new Preferential Procurement Regulations (2022 Regulations) under the Preferential Procurement Policy Framework act, 2000 (PPPFA), this was aimed at aligning the regulations to the February 2022 Constitutional Court judgement. That judgement ruled that the Minister exceeded his powers in prescribing the 2017 Regulations. The Public Procurement Bill is being finalized, which will empower the Minister of Finance to set preferential procurement, the 2022 Regulations repeal the 2017 Regulations and take effect on the 16 January 2023”.

SPECIFIC GOAL POINTS BREAKDOWN

SPECIFIC GOALS	PREFERENCE POINTS ALLOCATED OUT OF 20	DOCUMENTATION TO BE SUBMITTED BY BIDDERS TO VALIDATE THEIR CLAIM FOR POINTS
Black ownership: An EME or QSE which is at least 51% owned by black people	4	• CIPC (Company registration) • CSD report clearly indicating the percentage shareholding of all owners, (the ownership status of the 2 documents must correspond to be awarded points)
Women ownership: An EME or QSE which is at least 51% owned by women	4	• CIPC (Company registration) • CSD report clearly indicating the percentage shareholding of all owners, (the ownership status of the 2 documents must correspond to be awarded points)
Youth ownership: An EME or QSE which is at least 51% owned by youth. (up to 35 years of age)	4	• CIPC (Company registration)' • CSD report clearly indicating the percentage shareholding of all owners, (the ownership status of the 2 documents must correspond to be awarded points)
Disability: An EME or QSE which is at least 51% owned by people with disability	4	• CIPC (Company registration) • CSD report clearly indicating the percentage shareholding of all owners, (the ownership status of the 2 documents must correspond to be awarded points) • Medical certificate. • SASSA registration or confirmation of disability from a relevant authority.
Locality: Located in the Eastern Cape	4	• Municipal rates account OR • Letter from councilor confirming residence or Lease Agreement
Non – submissions	0	• No points will be claimed if the bidders failed to submit the required documents

BIDDERS SHOULD TAKE NOTE OF THE FOLLOWING BID CONDITIONS:

- Eastern Cape CET College Supply Chain Management Policy will apply.
- Eastern Cape CET College does not bind itself to accept the lowest bid or any other bid and reserves the right to accept the whole or part of the bid.
- Quotations which are late, incomplete, unsigned, will not be accepted.
- Quotations submitted are to hold good for a period of **30 days**.
- No bids will be considered from persons in the service of the state.
- The 80/20 preferential procurement point system will be applied.

Enquiries should be directed to:**Ms. A Sangqu****Email: A Sangqu@ec.cetc.edu.za Tel: 041 180 4085 (Bidding process)****SPECIFICATION****BACKGROUND**

The Community Education and Training (CET) Colleges came into existence on 1 April 2015 when the Public Adult Learning Centers (PALCs) migrated from the Provincial Education Departments (PEDs) to the Department of Higher Education and Training (DHET). The PALCs became the Community Learning Centers (CLCs) and were merged under the CET Colleges.

The mandate of the Colleges is to provide quality and relevant Education and Training programmed for youth and adults to improve their livelihoods. The CET Colleges, through the CLCs, offer programs that will ensure that students attain skills that will enable them to either find employment or establish their own enterprises which are Community needs based. The College is situated in the Eastern Cape in South Africa. Governance of the College rests with the Council subject to the relevant statutes and policies. The management structure of the College consists of the principal and three Deputy Principals. The CET College operates in accordance with the requirements laid down in the Continuing Education and Training Act, Act No.16 of 2006.

SCOPE AND DEFINITION OF WORK

The college seek to appoint a reputable service provider (s) to provide internet services for a period of 12 months. The internet services are expected to be provided in the following 8 CLCs namely:

CENTER NAME	LOCATION	ADDRESS
Osborn CLC	Mount Frere	Osborn mission, Osborn A/A, Mt Frere
Cecilia Makiwane CLC	Mdantsane	Cecilia Makiwane Hospital, NU 9, Mdantsane
Soweto on Sea CLC	Port Elizabeth	Soweto Primary School, Zwide, Johnson Road, Port Elizabeth, 6205
Phakamile CLC	Uitenhage	01 Nyiki Street, KwaNobuhle, Uitenhage, 6242
Khanyisa CLC	Zwelitsha (KWT)	Nomvume Primary School, Zone 4, Zwelitsha, King William's Town 5600
Vorster CLC	Sterkspruit	Tapolang JSS, Sterkspruit
Bhofolo CLC	Fort Beaufort	Healdtown Road, Cape College Buildings Fort Beaufort, South Africa
Frere CLC	East london	Amalinda Main Rd, Amalinda, East London, 5247

CONTACT NAMES:

Center name	Contact Name	Contact Number
Osborn CLC	Mr. M. Nkomokazi	0797558626
Soweto on Sea CLC	Ms. M. Duduza	0713133130
Phakamile CLC	Mrs N. Tsawu	0736460846
Bhofolo CLC	Mr. Z. Hloma	0734817296
Khanyisa CLC	Ms. C. Ncana	0848391442
Vorster CLC	Mr. A. Tindleni	0603501393
Cecilia Makiwane CLC	Ms. V. Tanzi	0786218801
Frere CLC	Mr. X. Felani	0782571542

Bidders must adhere to highest integrity standards in the industry. Bidders must be able to supply a managed firewall for which they must be duly certified by appropriate vendors. The successful bidder(s) must also for the duration of the contract, maintain such firewall security certification. The service is expected to be highly available and reliable, with overall uptime of no less than 99.5%. The bidder shall provide the necessary hardware and other services required to provide the internet connection.

ICASA Licensing and ISPA Certification

- In the case of the successful bidder being a telecommunications company, they must provide proof of valid licensing with the Independent Communications Authority of South Africa (ICASA).
- In the case where the successful bidder is not a telecommunications company, they must provide proof of valid membership of the Internet Service Provider Association of South Africa (ISPA), which must be in good standing. It is further required for such a bidder, that if any of their infrastructure at any point connects to a telecommunications company's infrastructure, that the dependent telecommunication company's valid ICASA license be produced.

c) All networking devices used in the provision of the envisaged services must be duly certified by ICASA for use in the Republic of South Africa.

The following are Detailed specification per each centre

ADSL Internet:

The below centers will be using the ADSL Internet:

CENTRE NAME	LOCATION
Osborn CLC	Mount frere
Voster CLC	Sterkspruit

ITEM	SPECIFICATION
Internet line	25 mb speed line
Router	LTE router
ACL/Firewall	Access Control List/ Firewall
Network points	Network points for computer and printers
Network Cabinet	Minimum 9u network cabinet
Network switch	LAN switches
contract	1 year contract (renewable)
Internet Service Provider (ISP)	Any
Network Service	DHCP, DNS
Performance requirements	Bandwidth speeds, QOS
Hardware requirements	Router i.e. LTE Router Switch (48 port POE switch) Network Cabling (Cat 6 or Higher) Patch panel. Brush panel 9U Cabinet
Security Requirements	Encryption (WPA2, SSL/TLS)

Fibre internet connection

The bidder should supply an Internet Breakout via fiber of 50/50Mbps, contention ratio and will be either increased or decreased over the contract period according to the needs of the College.

CENTRE NAME	LOCATION -
Soweto on Sea CLC	Port Elizabeth
Phakamile CLC	Uitenhage
Bofolo CLC	Fort Beaufort
Cecilia Makiwane CLC	Mdantsane
Khanyisa CLC	King Williams Town
Frere CLC	East London

The requirements for the scope of work are as follows:

- 25Mbps DIA Fibre (1:1 Contention ratio).
- 25Mbps Microwave Failover (1:1 Contention ratio) (Active Passive Failover).
- Dual entry via 2 different routes.
- 25 Static IP's.
- 99.5% Uptime SLA (4 hours mean Time to Repair).
- Twelve (12) month contract.
- A dedicated DIA fibre connection with a minimum bandwidth of 50Mbps internet breakout from bidder's network, complete with relevant backup route. This connection will primarily be used for Microsoft 365 services, web browsing, email access, research, hosted VoIP PBX solution calling, video conferencing, cloud backups etc.
- For redundant connection, the bidder should provide a separate connection with a different entry via a different route than primary connection, preferably microwave.
- 25 public static IP addresses.
- No limitations on traffic/ports; bandwidth capacity should be ensured through direct IP connection. 1:1 contention ratio on both links.
- Fixed prices for the services, no additional costs or limitation based on amount of traffic or usage.

FUNCTIONALITY CRITERIA

Respondents must score **60 points** and above to be assessed on their financial offer and preference score.

To ensure simplification, the total functionality score will be rated out of a total of 100.

Suitably qualified and experienced evaluators will evaluate the bids received and the average score will be carried forward as the Total Functionality Score.

The allocation of points for the evaluation of quality is set out in the table below.

FUNCTIONALITY	REQUIRED EVIDENCE	WEIGHT	MAX VALUE (1- 5)
1. Experience			
(a) Number of clients (contactable references) that the bidder has successfully serviced in the past 5 years.			
5 or more reference letters of relevant experience	Experience in experience in telephone and internet services in the past five (5) years or more, bidders must attach reference letters on client's letter head with contactable references in order to be allocated points. NB: In all reference letters, corresponding appointment letters/ purchase orders must be attached. Failure to attach these documents, bidders will not be awarded points	50	5
4 reference letters of relevant experience			4
3 reference letters of relevant experience			3
1 to 2 reference letters of relevant experience			1
2. Staff Experience			
Project Manager with experience in telephone and internet services.			

FUNCTIONALITY	REQUIRED EVIDENCE	WEIGHT	MAX VALUE (1- 5)
>5 years' experience	The bidder is required to provide the detailed Curriculum Vitae of the Project Manager(s) who will be assigned to the project who has acquired the following certification and skills: - Post Certification Experience in the management of projects of a similar nature, scope, size and scale in planning, installation, configuration and supporting of telephone and Internet Services; Note: 1) PMP Certificates must be provided with the Project Man-agers' CV in order to be considered to be awarded points for this evaluation criteria; in addition to 2) Relevant post certification experience which can be veri-fied. 3) Individual identities such as names may be omitted to maintain the privacy of individuals. NB: No points will be claimed where the above is not attached.	10	5
4 to 5 years' experience			4
3 years' experience			3
3. Methodology			
- Methodology and approach are fully address the requirements of the project with clear timelines and deliverables. - Methodology and approach cover the minimum requirements of this project with clear timelines and deliverables - Inadequate Methodology and Approach	The methodology and approach to include the full scope of work described in the work specification. The methodology should highlight all the planned activities, the sequence of executing the works and the completion timeframes of the activities.	30	5
			3
			0

FUNCTIONALITY	REQUIRED EVIDENCE	WEIGHT	MAX VALUE (1- 5)
4. Locality			
- Service provider is based in Eastern Cape= 10 - Service provider not from Eastern Cape= 0 Proof of business address needed (Municipality utility bill)		10	
TOTAL		100	

PRICING SCHEDULE – FIRM PRICES (PURCHASES)

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

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

PRICE SCHEDULE- FIRM PRICES (PURCHASES)
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BIDDER: _____

Internet Services for :	COST/MONTH (A)	DURATION (B)	Total Amount in Rands VAT Inclusive
Osborn CLC			
Voster CLC			
Soweto on sea CLC			
Phakamile CLC			
Bofolo CLC			
Khanyisa CLC			
Frere CLC			
Grand Total****			
***TOTAL CARRIED TO SBD 1			

Total must be transferred to SBD 1, failure to do so will lead to the bid/RFQ being disqualified.

Pricing Instructions: The proposal must be inclusive of all costs including i.e., delivery fees and disbursements.

1.1. By signing the Price Schedule, a bidder warrants that:

- 1.1.1. the relevant quotation is correct;
- 1.1.2. the rates(s) and prices(s) quoted cover all the work/item(s) specified in the quotation document;
- 1.1.3. the rate(s) and price(s) cover all the supplier's obligations under a resulting contract, including all disbursements;
- 1.1.4. any mistakes and/or omissions regarding rate(s) and price(s) or errors in calculation shall be at the supplier's risk.
- 1.1.5. The total price quoted must be VAT inclusive

SIGNED at _____ (place) on the _____ day of _____, 20____.

Signature Date

Print name: _____
On behalf of the Supplier (duly authorized)

CONDITIONS OF THE REQUEST FOR QUOTATION

General

1. This RFQ is not intended to form the basis of a decision to enter into any transaction involving EC CET COLLEGE and does not constitute an offer or recommendation to enter into such transaction, or an intention to enter any legal relationship with any person.
2. The RFQ has been compiled by EC CET COLLEGE and is being made available on the same basis to all Bidders.
3. Bidders submitting a Bid in response to this RFP will be deemed to do so on the basis that they acknowledge and accept the terms set out below. Neither EC CET COLLEGE nor any of their respective directors, officers, employees, agents, representatives or advisors will assume any
4. obligation for any costs or expenses incurred by any party in or associated with preparation or submitting a Bid in response to the RFP.
5. The bidder is responsible for all the costs that they shall incur related to the preparation and submission of the bid document.
6. Kindly note that EC CET COLLEGE is entitled to amend any bid conditions, validity period, specifications, or extend the closing date of bids before the closing date.
7. The EC CET College reserves that right not to accept the lowest bid price of any tender in part or in whole. It normally awards the contract to the bidder who proves to be fully capable of handling the

contract in terms of outputs and services and who is financially advantageous to EC CET COLLEGE.

8. The EC CET COLLEGE reserves the right to accept any Bid in whole or in part. Where a Bid is accepted in part, the price shall be adjusted in accordance with the pricing schedule indicated on the Bid.
9. The EC CET COLLEGE also reserves the right to award this bid to a pure empowerment entity.
10. All communication and attempts to solicit information of any kind relative to this tender should be in writing and channeled to: TMsuthwana@ec.cetc.edu.za

SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state*, 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 and/or take an oath declaring his/her interest, 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. **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, shareholder etc):
.....
 - 2.4 Company Registration Number:
.....
 - 2.5 Tax Reference Number:
.....

2.6 VAT Registration Number:

* "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.

2.7 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 / shareholder/ member:

Name of state institution to which the person is connected:

Position occupied in the state institution:

Any other particulars:

.....

.....

2.8 Did you or your spouse, or any of the company's directors / 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

YES / NO

2.11 Do you or any of the directors /shareholders/ members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES / NO

2.9.1 If so, furnish particulars. the evaluation and or adjudication of this bid?

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2.11.1 If so, furnish particulars:

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2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between the 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.

.....

.....

DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2.1 TO 2.11.1 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY 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

SBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1. This Standard Bidding Document must form part of all Quotations 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 audi alteram partem 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

_____ 20____
Date

Position

Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all Quotations¹ 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. disregards 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. cancels 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.

This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when Quotations are considered, reasonable steps are taken to prevent any form of bid-rigging.

In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

Bid No _____ Description _____
(Bid Number and Description)

in response to the invitation for the bid made by Eastern Cape CET College, 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)

I have read and I understand the contents of this Certificate;

I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;

I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;

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;

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.

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.

In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

prices;

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.

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.

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.

I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to Quotations and contracts, Quotations that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

¹ Includes price quotations, advertised competitive Quotations, limited Quotations 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.

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.