

SSASSA 01 (QO)

INVITATION FOR QUOTATIONS

**THE SOUTH AFRICAN SOCIAL SECURITY AGENCY INVITES QUOTATIONS
FOR THE PROVISION OF *description of works***

Project title:	Accelerated women leadership development programme for senior managers
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RFQ No:	113(2) /21/HCM	Closing Date:	04.02.2022
Closing time:	11:00	Validity period:	30 days

1. COMPLETION OF QUOTATION/BID DOCUMENTS:

- 1.1 All quotations documents must be fully completed and duly signed by an authorized person.
- 1.2 All quotations and fully completed Standard Bidding Documents (SBD) forms must be addressed to the South African Social Security Agency and must **ONLY** be emailed to: quotations@sassa.gov.za or hand delivered in a sealed envelope marked with the RFQ number stated above.
- 1.3 **Hand delivery of Quotation/s is /are strongly discouraged (due to risk of transmitting Covid-19) and that original B-BBEE certificate is no longer required).** Bidders are encouraged to use email address to send their quotations and those willing to hand deliver their quotations must be deposited in the **QUOTATION BOX** situated at the reception at **SASSA House, 501 Prondisa Building Cnr Steve Biko & Pretorius Streets, Arcadia, and Pretoria 0083**. Late quotations will not be considered.
- 1.4 **NB: PLEASE NOTE THAT THOSE WILLING TO SUBMIT THEIR QUOTATION MUST SIGN THE QUOTATION REGISTER AT RECEPTION BEFORE DEPOSITING THEIR QUOTATION. Quotations that are e-mailed and copied to any other e-mail address other than the one mentioned above WILL not be considered.**
- 1.5 This quotation is subject to the GCC (General Conditions of Contract) and any other special conditions of contract where applicable.
- 1.6 The taxes of the successful supplier/bidder must be in order, or satisfactory arrangements must be made with the South African Receiver of Revenue (SARS) to meet the supplier / bidder's tax obligations prior to award. **SARS**



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South African Social Security Agency
Head Office

SASSA House • 501 Prondisa Building Cnr Beatrix & Pretorius Street
Pretoria • Private Bag X55662 Arcadia • Pretoria 0083
Tel: +27 12 400 2000 • Fax: +27 12 400 2257
www.sassa.gov.za

PIN SHOULD BE SUBMITTED TOGETHER WITH THE QUOTATION FOR TAX COMPLIANCE VERIFICATION PURPOSE.

- 1.7 Your quotation must include costs breakdown and that it is VAT inclusive, (where applicable)
- 1.8 Quotations above R 30 000 must be accompanied by A COPY of :
- 1.8.1 B-BBEE certificate issued by SANAS accredited agencies.
- 1.8.2 (i) Exempted Macro Enterprise (EME's) and Qualifying Small Enterprise (QSE) must submit a Sworn Affidavit signed by EME's representative and attested by commissioner of oath or,
- 1.8.3 (ii) B-BBEE certificate issued by the Companies and Intellectual Property Commission (CIPC) or SANAS Accredited B-BBEE Verification Agencies.
- 1.8.4 Failure to submit the above, including the SBD 6.1 will result into the supplier not being awarded points for B-BBEE level of contribution.
- 1.9 Quotations equal to or above R 30, 000 Vat inclusive shall be evaluated on 80\20 point system.
- 1.10 Suppliers to indicate validity of quotation and delivery date for goods and services.
- 1.11 The quotation must be detailed and compliant as per the SASSA attached specification. Where the quotation is itemised, the supplier must indicate price for each line item.
- 1.12 Failure to comply with this condition (paragraph 1.11) WILL result in the invalidation of your quotation.

2. DESCRIPTION OF SERVICE REQUIRED:

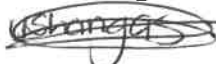
Description of Goods / Services	Quantity
Accelerated women leadership development programme for senior managers NB: Non-compulsory briefing session on 27.01.2022	

NB: Please find attached Detailed Specification or Terms of Reference (TOR) and Standard Binding Document (SBD) Forms.

3. ENQUIRIES RELATED TO DOCUMENTS MUST BE ADDRESSED TO:

BUYER:	Unathi	Telephone no:	012 400 2285
Cell no:	N/A	Fax no:	N/A

Name: Unathi Shangase

Signature: 



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Date: 24.01.2022



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SPECIFICATIONS:

**IMPLEMENTATION OF ACCELERATED WOMEN LEADERSHIP DEVELOPMENT
PROGRAMME FOR SENIOR MANAGERS**

FOR

**TOP MANAGEMENT AT THE SOUTH AFRICAN SOCIAL SECURITY AGENCY
(SASSA)**

ACCELERATED WOMEN LEADERSHIP DEVELOPMENT PROGRAMME

TABLE OF CONTENTS

1. PURPOSE OF THIS DOCUMENT.....	2
2. BACKGROUND.....	2
3. OBJECTIVES OF THE TRAINING.....	3
4. SPECIAL CONDITIONS.....	4
5. SERVICE PROVIDER PREREQUISITES.....	4
6. COSTING.....	5
7. KEY DELIVERABLES.....	5
8. BID CONDITIONS.....	6
9. NON - COMPULSORY BRIEFING SESSION.....	6

ACCELERATED WOMEN LEADERSHIP DEVELOPMENT PROGRAMME

1 PURPOSE OF THIS DOCUMENT

The purpose of this document is to request bids from accredited academic institutions to provide accelerated women leadership development programme for female senior managers at the South African Social Security Agency (SASSA).

Qualifying academic institutions are requested to submit proposals that meet the specifications stipulated in this document. The proposal should indicate the academic institution's competence to undertake the required task as well as the cost involved to complete this task.

2 BACKGROUND

Empowerment of women is very high on the government's agenda. Not only is women empowerment aimed at achieving the employment equity targets, but it is also intended to ensure that women play their rightful role in organisations, economy and society at large. Empowering women should be deliberate and not approached in a piecemeal manner.

SASSA has women leaders in various roles and positions in the Agency. To actualise this national priority, SASSA wants to capacitate its female senior managers by exposing them to a leadership development programme that specifically address the needs of women leaders. This initiative is aimed at ensuring that women leaders within the Agency effectively play their strategic and leadership roles, while ensuring that the strategic objectives of SASSA are attained.

The accelerated women leadership development initiative also aims to empower the identified women leaders with the necessary competencies so that they can advance in their careers.

ACCELERATED WOMEN LEADERSHIP DEVELOPMENT PROGRAMME

The target group for this training and development intervention is female senior managers of SASSA. The details of the training are as follows:

Programme : Implementation of Accelerated Women Leadership Development Programme.

Quantity : 20 senior managers.

NQF Level : 5

Method of training: Virtual / Online training.

Duration : Minimum 4 weeks and maximum 8 weeks.

3 OBJECTIVES OF THE TRAINING

The training must achieve the following objectives:

- 3.1 To equip female senior managers with current knowledge and skills to effectively and successfully fulfill the requirements of their roles.
- 3.2 To enhance the female senior managers' competencies so they can contribute to the attainment of strategic and operational goals of the Agency.
- 3.3 To enable female senior managers to efficiently balance their roles as employees and other social roles.

ACCELERATED WOMEN LEADERSHIP DEVELOPMENT PROGRAMME

4. SPECIAL CONDITIONS

4.1 Facilitator Experience

- The facilitator must have at least 3 years' experience in facilitating women leadership development training.
- Facilitator is required to provide proof that they have facilitated / performed similar projects on the implementation of women leadership development training, accompanied by correspondence from references proving that such project was successfully executed as well as their contactable reference /s.
- Company to attach CV of the facilitator.

4.2 Service Provider (Company) Experience

- At least three (3) years' experience in the field of women leadership development training.
- The service provider must submit contactable reference/s from previous client/s.

NB: Failure to submit the above required under Special Conditions will lead to disqualification of the proposal.

5. SERVICE PROVIDER PREREQUISITES

Academic institutions wishing to submit bids / quotations must meet the following criteria:

- Accredited academic institution.
- The programme must be accredited and pitched at an NQF level 5.
- Credit-bearing certificate must be issued to attendees who successfully complete the programme.
- The programme must include group work amongst participants.

ACCELERATED WOMEN LEADERSHIP DEVELOPMENT PROGRAMME

- Demonstrable experience and expertise in the field of women leadership development.
- Knowledge of the workings of SASSA and its legislative mandate.
- Customise the training to empower female senior managers with competencies to overcome some leadership challenges and barriers.
- To enhance learning and understanding, training must incorporate examples that are applicable to SASSA or public sector in general.
- Knowledge of how the government and related entities work in terms of procedures, policies and governance structures.

6. COSTING

- The service provider to provide quotation as per the specification.
- Price Quotation should indicate the Facilitation Fees, Training Material, and Certification (unit price x 20 = R..... including Grand Total with Vat inclusive).
- Quotation to include all variable costs (direct and/or indirect cost if applicable).

7. KEY DELIVERABLES

The academic institutions are expected to develop and submit a detailed costed plan that demonstrates their ability, experience and competency to carry out the required task successfully and within the set time frames.

The academic institution must deliver on the following key deliverables:

- Effective leadership, diversity and inclusion.
- Perspectives on women leadership.
- Creating collaborative and high performance teams.
- Effective communication.
- Leadership and technology. Maximising opportunities brought about by 4IR.
- Multiple roles of a woman leader. Developing resilience and agility.
- Challenging limiting beliefs (self and others).
- Dealing with patriarchy in the workplace.

ACCELERATED WOMEN LEADERSHIP DEVELOPMENT PROGRAMME

8. BID CONDITIONS

- The training manual content to be approved by SASSA's Project Manager at least 5 days before the training. (Practical exercises, group activities and discussions to be utilized during the training session.
- All presentations and support training material to be copied on a memory Stick (backup to be made available for SASSA as and when required) for distribution to participants on the first day of the training.
- The course is expected to be conducted through Ms Teams.
- SASSA reserves the right to contact references provided by the service providers. Any misrepresentation of information may lead to disqualification.
- SASSA reserves the right to enter into a price negotiations with the preferred Service Provider.

NB: Failure to adhere to the training requirements may result into disqualification and/or the cancellation of an order.

9. NON - COMPULSORY BRIEFING SESSION

- A virtual (MS-Teams) briefing session will be held for service providers to provide any clarity required.
- Date and time of the briefing session will be specified in the request for quotation documents.

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
 - the bidder is employed by the state; and/or
 - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.
2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**
 - 2.1 Full Name of bidder or his or her representative:
 - 2.2 Identity Number:
 - 2.3 Position occupied in the Company (director, trustee, shareholder²):
 - 2.4 Company Registration Number:
 - 2.5 Tax Reference Number:
 - 2.6 VAT Registration Number:
 - 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

¹"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

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

2.7 Are you or any person connected with the bidder 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 attached 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

SOUTH AFRICAN SOCIAL SECURITY AGENCY

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 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 IN TERMS OF
PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION
PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

May 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.

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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:

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

(Tick applicable box)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

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

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

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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 ☐

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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

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SBD 9**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.

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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

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SBD 9

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.

SBD 9

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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

.....
Name of Bidder

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