education
Department of Education
FREE STATE PROVINCE

PART A (SBD 1)
INVITATION TO BID INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (*NAME OF DEPARTMENT/ PUBLIC ENTITY*)					
BID NUMBER:	**E24/2021/2022**	CLOSING DATE:	**11 FEBRUARY 2022**	CLOSING TIME:	**11:00**
DESCRIPTION	**DISTRICT FRAMEWORK BID: LEARNER TRANSPORT IN FEZILE DABI DISTRICT** **PERIOD: THREE YEARS FROM DATE OF APPROVAL**				

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (*STREET ADDRESS*)

BID DOCUMENTS TO BE DELIVERED TO:

Fezile Dabi Education District
Old Cedar Building
23 Totius Street
SASOLBURG
1947

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO		TECHNICAL ENQUIRIES MAY BE DIRECTED TO:	
CONTACT PERSON	K Maphisa	CONTACT PERSON	MA Moetsela MM Kareli
TELEPHONE NUMBER	051-4044078	TELEPHONE NUMBER	MA Moetsela Tel: 071 270 0554/ 016-9739120 MM Kareli 072 376 4949
FACSIMILE NUMBER		FACSIMILE NUMBER	
E-MAIL ADDRESS	K.Maphisa@fseducation.gov.za	E-MAIL ADDRESS	M.Moetsela@fseducation.gov.za

SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		AND	CENTRAL SUPPLIER DATABASE No:	MAAA.....
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] ☐ Yes ☐ No

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

***BBBE CERTIFICATE MUST BE VALID AT TIME WHEN BID CLOSE.**

Please note that there are two types of sworn affidavits namely these for:
1) EME suppliers (where the total annual revenue for the latest financial year was R10 million or less) AND
2) QSE suppliers (where the total annual revenue for the latest financial year is between R10 million and R50 million)
Please ensure that you complete and submit the correct sworn affidavit according to your total annual revenue.

Tenderers other than EME/QSEs: Verification agencies accredited by SANAS

1. ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐Yes ☐No [IF YES ENCLOSE PROOF]	2. ARE YOU A FOREIGN BASED SUPPLIER FOR **THE GOODS /SERVICES /WORKS OFFERED?**	☐Yes ☐No [IF YES, ANSWER PART B:3]

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	☐ YES ☐ NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW

PART B (SBD 1)
TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.

1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**

1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

2. TAX COMPLIANCE REQUIREMENTS

2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.

2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.

2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.

2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.

2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.

2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....
(Proof of authority must be submitted e.g. company resolution)

DATE: .....

STANDARD BID CONDITIONS

1. BACKGROUND AND PRICES

1.1 In terms of the National Treasury Supply Chain Management- a guide for Accounting Officers/Authorities 2004, where goods, services or works of a technical/specialized nature are required on a recurring basis, a framework database of approved suppliers for the supply of the goods, services or works may be established. The database should be established through a competitive bidding process.

1.2 Once the framework databases of suppliers for the five districts have been established and approved by the Accounting Officer, only the service providers included in the framework database can be approached to quote for routes according to capacity.

1.3 The framework database will assist as routes and number of children are changing annually, which is problematic when a service provider is appointed for a three year period.

1.4 Bids will be evaluated on the qualification criteria to qualify for the next stage of B-BBEE status, of which bidders will only be evaluated on BBBEE level of contribution for them to be placed on the panel of framework contractors.

1.5 Bidders who qualify with all criteria will be appointed on the panel/framework/database and will then be invited and evaluated further on the 90/10 Preference Point System for price and BBBEE contribution on the quotations for routes.

1.6 90 points for Price will only be evaluated as and when quotations are issued for routes.

1.7 Standardised maximum tariffs per km will be applicable as follows:

Mini bus (10 to 16 seater) = R22-75
Midi bus (17 to 35 seater) = R26-39
Bus (35 seater upwords) = R27-59

2. COMPLETION OF BID DOCUMENT

A. STANDARD BID DOCUMENTATION FORMS (SBD) TO BE COMPLETED AND SIGNED

2.1 **SBD 1:**
The **SBD 1** bid invitation form to be completed in full and signed.

2.2 **SBD 4:**
The declaration of interest form (SBD 4) to be completed at all times (if applicable or not) and signed by the bidder. The service providers must declare any relationship with any person employed by the Department as contemplated in the National Treasury Practice Note no 7 of 2009/2010 (SCM – Declaration of Interest). Failure by the service provider to declare relationships and connections as stipulated in paragraphs 2.7 to 2.11 of the SBD 4 form will results in an immediate termination of the bid/contract. Failure to complete and sign may disqualify your offer.

2.3 **SBD 8:**
The Declaration of Bidder's past Supply Chain Management Practices (SBD 8) form to be completed and signed. Failure to complete and sign the form may disqualify your offer.

2.4 **SBD 9:**
The Certificate of Independent Bid Determination **(SBD 9)** to be completed and signed. Failure to complete and sign the form may disqualify your offer.

B. CORRECTION FLUID AND CORRECTIONS TO SBD FORMS

2.5 Correction fluid (e.g. Tippex) must not be used in bid documents in order to correct mistakes.

2.6 Where a bidder wishes to correct a mistake, a single line must be drawn through it and the bidder must place his/her signature and date next to the correction, so that the original entry is still visible and legible.

2.7 In the case of alterations/corrections a full signature must be attached above, next to or below the said alteration or correction

C. BID FORMS

2.8 The bid forms should not be retyped or redrafted.

2.9 Only the bid documents issued by the Department of Education Free State must be used.

2.10 Bid documents to be completed in full.

2.11 Bidders shall check the numbers of the pages and satisfy themselves that none are missing, duplicated or misprinted. No liability shall be accepted in regard to claims arising from the fact that pages are missing, duplicated or misprinted.

D. SUBMITTING OF BID DOCUMENTATION

2.12 Unless specifically provided for in the bid document, no bid transmitted by telegram, telex, facsimile or similar apparatus shall be considered.

2.13 The bid must be submitted in a **sealed envelope** before the closing date and time and deposited/delivered at:

Fezile Dabi Education District
Old Cedar Building
23 Totius Street
SASOLBURG
1947
The bid number and closing date must be clearly indicated on the sealed envelope.

2.14 Bidders must ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

2.15 Companies must ensure that their bid documentation is thoroughly binded. The Department cannot be held responsible for missing pages if your document is not binded.

2.16 Bid documents can be **downloaded** from the National Treasury eTender Publication Portal free of charge at the following address:

http://www.etenders.gov.za
(Click then on *Opportunities* and choose *Advertised Tenders*) -
OR
http://www.education.fs.gov.za

(Click on Budget & Procurement and choose bids and then bid documents.)

3. FORMS TO CLAIM POINTS FOR B-BBEE (SBD 6.1 FORM)

3.1 Where points are claimed for B-BBEE Status Level of Contribution the SBD 6.1 form, to be completed in full and signed by the bidder. A **VALID** AND **ORIGINAL/ORIGINAL CERTIFIED BBBEE** Status Level Verification Certificate should be attached.

3.2 BBBEE Status Level Verification Certificates should be issued by the agencies as stipulated in Par 5.4 of the Standard conditions.

3.3 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

3.4 A **trust, consortium or joint venture** will qualify for points for their B-BBEE status level as an Unincorporated entity, provided that the entity submits their **consolidated B-BBEE scorecard** as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

4. NON-COMPULSORY BRIEFING SESSION WILL BE CONDUCTED

Details:

TOWN	VENUE	DATE	TIME
Sasolburg	23 Totius street District Office	**2022-02-03**	**11:00**

5. BID EVALUATION/ADJUDICATION CRITERIA (PRICE AND B-BBEE) (PRICE ONLY APPLICABLE WHEN QUOTATIONS IS ISSUED TO APPOINTED SERVICE PROVIDERS ON THE PANEL)

5.1 Bids will be evaluated in terms of the new Preferential Procurement Regulation, 2017 Regulation 3(a)(ii) "if it is unclear which preference point system will be applicable, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system.

The following formula will be used to calculate the points for price:

$$Ps = 80/90 \left(1 - \frac{Pt - P\min}{P\min}\right)$$

Where

Ps = Points scored for comparative price of bid under consideration
Pt = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid

5.2 Points will be allocated to a Bidder for attaining their B-BBEE status level of contributor 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

5.3 Bidders are required to complete the preference claim form (SBD 6.1), and submit a valid **ORIGINAL/ORIGINAL CERTIFIED BBBEE** verification certificate issued by a verification agency accredited by the South African Accreditation System (SANAS) or a or a valid sworn affidavit signed by the EME/QSE representative and attested by a commisioner of oath.

5.4 Bidders must ensure that the B-BBEE status level verification certificates submitted are isssued by the following agencies:

(i) Tenderers other than EME/QSEs: Verification agencies accredited by SANAS, or
(ii) Tenderers who qualify as EME/QSEs: Sworn affidavit signed by the EME/QSE representative and attested by a Commissioner of oaths.

5.5 Verification agencies accredited by SANAS are identifieble by a SANAS logo and a unique BVA number.

5.6 Only Bidders who have completed and signed the declaration part of the preference claim form and who have submitted a B-BBEE verification certificate issued by a verification agency accredited by the South African Accreditation System (SANAS) or valid sworn affidavit signed by the EME/QSE representative and attested by a Commisioner of oath will be considered for preference points.

5.7 Failure on the part of the Bidder to comply with the above paragraphs will be deemed that preference points for B-BBEE status level of contribution are not claimed and will therefore be allocated a zero (0).

5.8 In the event that two or more bids have scored equal total points, the contract will be awarded to the Bidder scoring the highest number of preference points for B-BBEE.

5.9 However, when functionality is part of the evaluation process and two or more Bidders have scored equal points including equal preference points for B-BBEE, the contract will be awarded to the Bidder scoring the highest for functionality.
Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

5.10 A contract may, on reasonable and justifiable grounds, be awarded to a bid that did not score the highest number of points.

6. BID PRE-QUALIFICATION CRITERIA FOR PREFERENTIAL PROCUREMENT (DEFINED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017):

(PHASE 1: PRE-EVALUATION)

6.1 Only bidders with BBBEE level 1-3 will qualify.

Conditions on BBBEE level:

- If the level is not indicated on your certificate/affidavit your offer will be disqualified.
- If the BBBEE certificate/sworn affidavit is not signed your offer will be disqualified.
- If the BBBEEcertificate/sworn affidavit level is not between 1-3 your offer will be disqualified.
- If the BBBEEcertificate/sworn affidavit is not valid (expired) your offer will be disqualified.
- If an original certified/orginal BBBEE certificate/sworn affidavit is not attached your offer will be disqualified.

In case of a Joint Venture a consolidated B-BBEE certificate/sworn affidavit for the Joint venture company should be submitted. Please note if BEE certificates/sworn affidavits for each company is submitted and not a consolidated B-BBEE certificate your offer will be disqualify as proof of the correct BBBEE level for the JV cannot be determined. The consolidated B-BBEE certificate/affidavit should comply with the requirements as mentioned in above bullets.

6.2 (PHASE 2 : FUNCTIONALITY)

The bidders will be assessed for the pre-qualification as set out in functionality criteria. Failure to comply with the requirements will lead to points being forfeited. Bidders scoring less than the minimum score of **21 points** for functionality criteria will automatically be disqualified:

7. JOINT VENTURE AGREEMENT (COMPULSORY IF APPLICABLE)

7.1 In the event that a joint venture bid is submitted, a joint venture agreement, witnessed by a registered Attorney at Law must be submitted with the bidding document.

7.2 **Failure to submit** a Joint Venture **agreement that are signed by all the parties in the Joint Venture** will render the bid non-responsive and your offer will be **disqualified**.

8. PAYMENT TO SUPPLIERS

Payments will be handled as prescribed by the PFMA and will normally be effected within 30 days of receipt of all the required documentation, which should be correct in every respect.

9. LEGISLATION / LAWS

Bidders must comply with the provisions of Labour Legislation as well as any other relevant legislation or legal requirement.

10. VALIDITY PERIOD OF BID

The period for which offers are to remain valid and binding (in order for the Department to finalize it), is indicated in the bid documents **(120 DAYS)** and is calculated from the closing time on the understanding that offers are to remain in force and binding until the close of business on the last day of the period calculated and if this day falls on a Saturday, Sunday or public holiday, the bid is to remain valid and binding until the close of business on the following working day.

11. QUANTITIES

Where quantities are specified in the bid documents the Department cannot guarantee that they will be ordered as such, as it depends on Departmental needs. The Department is not liable for any damages the contractor might suffer for not ordering specific quantities.
Where quantities are specified, "as required" the quantities will be ordered as and when needed.

12. SPECIFICATION – BIDDERS RESPONSE

Where a specification provides for the bidders response to the different points of specification, the form must be properly completed. Where items deviate from the requirement, the deviation must be indicated.

13. QUALIFICATIONS OF BIDDERS

13.1 The Accounting Officer does not bind himself/herself to accept either the offer scoring the highest point or any bid and reserves the right to accept or cancel the bid which he/she deems to be in the best interest of the Department even if it implies a waiver by the Accounting Officer of certain bid requirements which the Accounting Officer considers to be of minor importance and not complied with by a bidder.

13.2 The department will disqualify any bid from a bidder whose name appears on the national list of restricted bidders/suppliers/persons.

13.3 The department may terminate the contract in whole or in part if the supplier and/or representatives of the department, in the judgement of the department, committed or have engaged in corrupt or fraudulent practices during the bidding process or the execution of that contract that benefited that supplier.

13.4 The Department reserves the right to allocate a bid to different service providers to ensure the empowering of as many companies as possible.

14. COMPLIANCE TO CONTRACT

14.1 The Department may monitor compliance to the contract after adjudication of the bid that include, but need not be limited to, site inspections and the request for documentary proof of compliance with the PFMA and relevant legislation.

14.2 Where services are rendered, which involves minimum wages for employees in terms of the sectoral wage determination, the Department reserves the right to request copies of payslips of employees during the period of the contract.

15. JOB CREATION

15.1 The bid aims to meet the needs of the Department, while also contributing to, amongst other, economic development and job creation.

15.1.1 Indicate how many <u>additional</u> permanent staff members will be employed as a result of winning the bid: _____

15.1.2 Indicate how many temporary staff members will be employed as a result of winning the bid: _____

15.1.3 Indicate whether the service of Free State Citizens will be utilized:

YES ☐ NO ☐ [TICK APPLICABLE BOX)

15.2 Please submit a Project Plan setting out detail regarding jobs to be created.

16. CENTRAL SUPPLIER DATABASE (COMPULSORY)

Please note that bidders should be registered on the Central Supplier Database.

PLEASE SUBMIT A PRINTOUT REPORT OF YOUR COMPANY'S DETAILS AS REFLECTED ON THE CENTRAL SUPPLIER DATABASE.

17. MAXIMUM DELIVERY PERIOD

As indicated in specification.

18. PENALTIES

If detected that a preference had been obtained on a fraudulent basis or any specified goals are not attained in the performance of the contract, an organ of state may:

- Recover all costs, losses or damages resulting from the above-mentioned contract.
- Cancel the contract and claim damages.
- Impose a financial penalty, more severe than the theoretical financial preference associated with the claim which was made.
- Restrict the contractor, its shareholders and directors from obtaining business from any organ of state for a period not exceeding 10 years.

19. SUCCESSFUL BIDDERS

- The successful bidder/s will be obliged to sign a contract with the Department.
- Companies that are awarded bids must ensured that the income tax number and VAT number (where applicable) are indicated on the Invoice.

20. AWARDING CONTRACTS TO GOVERNMENT OFFICIALS IS NOT ALLOWED

A GOVERNMENT EMPLOYEE MAY NOT HAVE A BUSINESS INTEREST IN ANY ENTITY CONDUCTING BUSINESS WITH THE PROVINCIAL GOVERNMENT.

In accordance with Treasury Instruction Note 17 of 2012, an employee of the Free State Provincial Government or a provincial public entity may not have a business interest in any entity conducting business with the Provincial Government.
The Provincial Government may not award any tender or enter into any contract with an employee of the Free State Provincial Government or a provincial public entity contrary to Treasury Instruction Note 17 of 2012.
All bids received contrary to Treasury Instruction Note 17 of 2012 shall be disqualified.

21. VALID TAX MATTERS

Tax matters to be in order and proof thereof to be submitted.

Submit the following documentation as proof that your tax matters are in order:

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- Submit a **Centralized Supplier Database** (CSD) **report** which proof valid and compliant tax matters (in case of Joint Venture a CSD print out report for each party in the JV should be submitted).

The Trading name or Legal name reflected on CSD must correspond with the name indicated on the SBD 1 and the other bid documentation.

22. DECLARATIONS

A bidder must declare that:

- Information provided is true and correct.
- The signatory to the bid document is duly authorized.
- Documentary proof regarding any bid issue will, when required, be submitted to the satisfaction of the State.

23, THE BIDDER MUST COMPLETE THE FOLLOWING:

I _____in my capacity as _____ of _____(Company), hereby declare and certifies that I take note and accept the Standard Conditions, Special Conditions of the Contract and the General Conditions of a Contract.

I further declare and certies that all the above-mentioned Conditions as well as specifications have been read and the bidder undertakes to comply herewith for the full duration of the contract/bid. It is further accepted that any deviation from the bid conditions, requirements and specifications may result in the termination of contract prior to expiry.

_____

SIGNATURE

Contact person of company:

_____

Tel. of company: (____)_____ Fax of company: (____)_____

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SPECIFICATION

SPECIFICATIONS FOR THE LEARNER TRANSPORT FRAMEWORK BID

The specification for the Framework is as follows:

1.1 Period of Framework

The period for the framework database is from date of approval for three years.

1.2 BBBEE level pre-qualification criteria

Only bidders with BBBEE level **1 to 3** will qualify

1.3 General Conditions

- Applicants must be aware that all appointments will be made at costs not exceeding the approved standard rate.
- Standardized maximum tariffs will be applicable as follows:
  - Minibus (10-16 seater) = R22-75 per km
  - Midi bus (17–35 seater) = R26-39 per km
  - Bus (35 seater upwards) = R27-59 per km
  - Bidders appointed on the Framework will be requested to submit quotations equal to or lower than the above rates.
  - No price adjustments will be allowed during the 1st year of the contract period, it will only be considered using a 5% increment annually from date of appointment.
- Operators applying for the bid should be registered for Public Transport within the Free State and vehicles included in the bid will be verified against the NATIS system. Attach a letter that confirms this from DPRT and the Registration Administration System Number (RAS Nr).
- In case of suspected fraudulent documentation, relevant action will be taken.
- Non-compulsory briefing sessions will be held in clusters in each district.
- It is preferred that Service Providers **only** bid in the District where they reside. Service Providers will be allowed to indicate their willingness to assist the Department in ONE other district, should the need arise to appoint service providers outside the districts that they reside in.
- The department reserves the right to utilize service providers appointed in the framework bid of a specific district in other districts should the need arise because of vehicle/capacity shortages.

- Service providers must indicate their choice in both tables:

Table 1

District the service provider is bidding for: **Only ONE DISTRICT where service provider resides in**	DISTRICT TO OPERATE IN:

Table 2

ONE other district the service provider is willing to assist in:	Motheo	
	Xhariep	
	Lejweleputswa	
	Thabo Mofutsanyana	
	Fezile Dabi	

- It is the intention that the framework database will ensure that all approved Service Providers on the framework database will receive an equitable opportunity to render a service at some point within the three years. An evaluation report is a pre-requisite at the end of the contract/year and prior to re-appointment.

- Rotation will take place annually. The rotation preference will be allocated as follows:
    - BBBEE Levels
    - Highest score on Functionality
    - Drawing of Lots
    - SOP requirements will be applied as an additional option

- Appointment on routes will depend on the availability of funds.

1.4 Functionality

- Points will be allocated for functionality. Functionality will count 30 points.
- Bidders must score at least **21 out of 30** points to ensure further evaluation.
- Criteria for functionality are indicated as follows:

CRITERIA	REQUIRED DOCUMENTATION	MAX POINTS
Condition of the vehicle: ✓Originally Certified copy of Motor Vehicle Registration Certificate registered in bidder's name: *(4 points*) ✓Originally Certified copy of Valid Certificate of Fitness registered in bidder's name(COF): *(4 points)* ✓Originally Certified Confirmation letter from DPRT and RAS Nr *(4 points)*	✓ Originally Certified copy of Motor Vehicle Registration Certificate registered in bidder's name **AND** ✓ Originally Certified License Disk and Road Worthy Certificate (Certificate of Fitness/COF) registered in bidder's name of every vehicle must be attached with vehicle summary. ✓ Originally Certified Confirmation letter from DPRT and RAS Nr	**12**
District based company: ((The address on the following documentation will be taken into consideration in order to receive points for the district you bidded in.) ✓Originally Certified copy of Motor Vehicle Registration Certificate registered in bidder's name *(4 points)* **AND** ✓Originally Certified License Disk and Road Worthy Certificate (Certificate of Fitness/COF) registered in bidder's name of every vehicle must be attached with vehicle summary. *(4 points)*	✓Originally Certified copy of Motor Vehicle Registration Certificate registered in bidder's name **AND** ✓Originally Certified License Disk and Road Worthy Certificate (Certificate of Fitness/COF) registered in bidder's name of every vehicle must be attached with vehicle summary.	**8**
Bidders score the following points if: • Woman – *2 points* • Youth –2 points (Born after 31 December 1986)	✓ Originally Certified ID of Director **AND** ✓ Original CK1 / Company Registration Documents (Both documents must be submitted to receive points. If only 1 submitted no points will be scored.)	**4**
Experience: Proof of involvement in learner transport operations (or similar transport operations) ✓ Proof of experience with transporting learners (or similar service)	✓ Originally Certified Reference letter indicating 1-year experience = 2 points ✓ Originally Certified Reference letter indicating 3 years' experience = 3 points ✓ Originally Certified Reference letter indicating More than 3 years' experience = 6 points	**6**
TOTAL	**30**	

1.5 Compulsory documents

- ✓ Originally certified copies of a valid COF, registered in the owner's name, for each vehicle bidded with and as indicated in Annexure A. It is compulsory to complete Annexure A.
- ✓ Originally Certified copy of motor vehicle license, registered in owner's name
- ✓ Originally certified BBBEE certificate/sworn affidavit/SANAS stipulating the level status (only level 1 to 3 will be accepted).

1.6 Delivery of service

1.6.1 Safety is of paramount importance in the transportation of learners to and from school each day. The Operator must ensure that safe and reliable services are provided. This means the Operator must deliver a reliable service with drivers and vehicles that comply with all licensing and regulatory requirements and are well maintained, to ensure learners arrive at school on time and ready to learn.

1.6.3 The Operator must comply with and strictly adhere to the Department's official general contract (as attached) and/or its Authorised Representative's instructions and directions regarding the operation of the services.

1.6.4 The Operator shall ensure that all staff (employed or contracted) have a valid Public Driver's Permit (PDP), always treat learners with respect and courtesy, and all reasonable assistance is offered to facilitate the safe travel of a learner.

1.6.5 The Operator will ensure policies are in place advising staff (employed or contracted) and subcontractors of their obligation to act in a professional manner at all times when acting in relation to this contract and delivering any of the services provided under it and will have systems to deal with breaches to these policies.

1.6.6 Only stops/pick up points authorised by the Department and/or its Authorised Representative are to be used by the Operator.

1.6.7 The performance of the service by the Operator shall be observed, monitored and inspected by the Department or its Authorised Representative at its own discretion for compliance with this Contract.

1.6.8 In addition to any statutory obligations, the Operator must, within twelve (12) hours of its occurrence, report to the Department any accident in which persons have been injured or killed. This must be followed by a written report containing full details of the occurrence within four (4) weekdays of the occurrence.

1.6.9 Unless agreed to in writing by the Department, cancellation of scheduled trips is not permitted unless—

(a) instructed by the Department on the basis of insufficient programme funds as budgeted for in the Provincial budget;
    (i) Notification of service suspensions or reduction must be made at least 30 calendar days before the suspension or service reduction is to come into effect
(b) requested by the Operator and agreed to in writing by the Department

1.6.10 Actual route distances as agreed between the Operator and the Department shall be used to calculate revenue kilometres for each trip, provided always that the onus is on the

Operator to prove that trips have been operated. The Operator will not be paid for positioning kilometres.

1.6.11 The Department or its Authorised Representative may after consultation with the Operator recommend the following variations to the services within the service area, but the prior written consent of the Department is mandatory before any variation is effected:

(a) to increase or decrease the number of scheduled trips on any route or routes;
(b) to omit any route or add a new route;
(c) to lengthen, shorten or alter an existing route, where "alter" means to change the route without increasing or decreasing the kilometre length thereof;
(d) to alter the number or location of authorised pickup points, in consultation with the relevant local authority/administration/community/school and/or traffic authority where applicable; and
(e) to change the time table of any portion of the services;
(f) to make alterations in connection with vehicle capacities

1.6.12 Prohibition of Restrictive practices

a) In terms of Section 4 (1) (b) (iii) of the Competition Act No.89 of 1998, as amended, an agreement between, or concerted practice by, firms, or a decision by an association of firms, is prohibited if it is between parties in a horizontal relationship and if a bidder (s) is /are or a contractor (s) was/were involved in collusive bidding (or bid rigging).

b) If a bidder(s) or contractor(s), based on reasonable grounds or evidence obtained by the purchaser, has/have engaged in the restrictive practice referred to above, the purchaser may refer the matter to the Competition Commission for investigation and possible imposition of administrative penalties as contemplated in the Competition Act No.89 of 1998.

c) If a bidder(s) or contractor(s), has/have been found guilty by the Competition Commission of the restrictive practice referred to above, the purchaser may, in addition and without prejudice to any other remedy provided for, invalidate the bid(s) for such item(s) offered, and/or terminate the contract in whole or part, and/or restrict the bidder(s) or contractor (s) from conducting business with the public sector for a period not exceeding ten (10) years and/or claim damages from the bidder(s) or contractor(s) concerned.

1.6.13 Inspections

a) All pre-bidding testing will be for the account of the bidder.

b) It is a bid condition that vehicles can be expected at any stage to be subject to inspection, at all reasonable hours, by a representative of the Department or an organization acting on behalf of the Department.

c) If required to during the contract period, continued inspections shall be carried out.

d) Where there is non-compliance to clauses 2 and 3 and with the contract requirements, this may lead to rejection of relevant vehicles.

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ANNEXURE A: COMPULSORY TO COMPLETE UNDERMENTIONED TABLE

ATTACH THE ORIGINALLY CERTIFIED PROOF OF COF OF EACH VEHICLE YOU TENDERED FOR AND SUBMIT IN SAME NUMBER SEQUENCE AS INDICATED HERE UNDER

Document Number	Vehicle Registration	Capacity of Vehicle as on COF	VEHICLE YEAR MODEL	Indicate until when is is valid
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				

Document Number	Vehicle Registration	Capacity of Vehicle as on COF	VEHICLE YEAR MODEL	Indicate until when is is valid
15.				
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				

Name of bidder: _____

Signature bidder _____

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SBD 3.1

PRICING SCHEDULE

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

Name of bidder..... Bid number: **E24/2021/2022**

Closing Time **11H00 on 11 FEBRUARY 2022**

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

BID NUMBER	**DESCRIPTION**
E24/2021/2022	**DISTRICT DATABASE FOR LEARNER TRANSPORT IN FEZILE DABI DISTRICT**
PERIOD	**THREE YEARS FROM DATE OF APPROVAL**

QUOTATIONS WILL BE OBTAINED FOR ROUTES IN THE SPECIFIC DISTRICT AFTER SERVICE PROVIDERS HAVE BEEN APPOINTED ON THE DATABASE. QUOTATIONS WILL ONLY BE REQUESTED FROM THE APPOINTED SERVICE PROVIDERS ON THE DISTRICT DATABASE.

Does offer comply with specification? *YES/NO ***(Make an x on your answer)***

If not to specification, indicate deviation(s) ....

.....

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SBD FORMS TO BE COMPLETED AND SIGNED:

- **SBD 1**
- **SBD 4**
- **SBD 6.1**
- **SBD 8**
- **SBD 9**

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SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state[1], 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, shareholder[2], 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

2.10.1If 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

2.11.1If so, furnish particulars:
.....
.....
.....

3 Full details of directors / trustees / members / shareholders. (PLEASE COMPLETE IN FULL)

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

SBD 4

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

SBD 6.1

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 the total project for learner transport is estimated to exceed R50 000 000 (all applicable taxes included) and therefore the 90/10 preference point system shall be applicable; or

b) The 90/10 preference point system will be applicable to 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	90
B-BBEE STATUS LEVEL OF CONTRIBUTOR	10
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) **"price"** 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. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

4. POINTS AWARDED FOR PRICE

4.1 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**

$$Ps = 80\left(1 - \frac{Pt - Pmin}{Pmin}\right) \text{ or } \quad Ps = 90\left(1 - \frac{Pt - Pmin}{Pmin}\right)$$

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

4.2 FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME-GENERATING PROCUREMENT

4.3 POINTS AWARDED FOR PRICE

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

80/20 **or** **90/10**

$$Ps = 80\left(1 + \frac{Pt - P\,max}{P\,max}\right) \text{ or } \qquad Ps = 90\left(1 + \frac{Pt - P\,max}{Pmax}\right)$$

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmax = Price of highest acceptable bid

5. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

5.1 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

6. BID DECLARATION

6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

7. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

7.1 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.

8. SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted?

(***Tick applicable box***)

YES		NO	

8.1.1 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		

9. DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm:.....

9.2 VAT registration number:.....

9.3 Company registration number:.....

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9.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[*TICK APPLICABLE BOX*]

9.7 Total number of years the company/firm has been in business:.....

9.8 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	..... **SIGNATURE(S) OF BIDDERS(S)** DATE: ..... ADDRESS ....

SBD 8

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 *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 **Date**

....

Position **Name of Bidder**

Js365bW

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Standard Bidding Document (SBD) must form part of all bids[1] invited.

2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).[2] Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:

a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.

b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.

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

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

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

[2] **Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.**

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

_____

(Bid Number and Description)

in response to the invitation for the bid made by:

_____

(Name of Institution)

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

I certify, on behalf of:_____that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

    (a) has been requested to submit a bid in response to this bid invitation;
    (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
    (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium[3] 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

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.

.....

Signature

.....

Date

.....

Name of Bidder

Position:.....

Js914w 2

PROOF THAT TAX MATTERS ARE IN ORDER:

ATTACH:

- ***PROOF OF REGISTRATION ON CSD***

  PRINT OUT REPORT OF CSD WITH PROOF OF COMPLIANT TAX MATTERS

- **TAX COMPLIANCE STATUS**

ATTACH:

1) CERTIFIED COPY OF COMPANY REGISTRATION CERTIFICATE REFLECTING ACTIVE MEMBERS

(CK1/CK2)/TRUST DEED/PTY LTD MEMORANDUM OF INCORPORATION/
CERTIFICATE OF INCORPORATION/ PARTNERSHIP AGREEMENT ETC.

2)ID DOCUMENTS OF DIRECTORS

IN CASE OF JOINT VENTURE:

ATTACH SIGNED JOINT VENTURE AGREEMENT (signed by both parties)

ATTACH VALID AND ORIGINALLY SIGNED/ ORIGINAL CERTIFIED BBBEE CERTIFICATE/ SWORN AFFIDAVIT

AND ENSURE THAT YOU COMPLETE AND SIGN THE SBD 6.1 FORM

ATTACH:

Original certified copies of a valid COF, registered in the owner's/company's name, for each vehicle bidded with and indicated in Annexure A

ATTACH:

Originally certified copy of motor vehicle license disk, registered in owner's/company's name.

ATTACH:

ORIGINAL CERTIFIED CONFIRMATION LETTER FROM DPRT AS WELL AS THE RAS NUMBER

ATTACH:

ORIGINAL CERTIFIED REFERENCE LETTER INDICATING THE NUMBER OF YEARS OF EXPERIENCE

CHECK LIST:
SUMMARY OF FORMS TO BE COMPLETED AND REQUIREMENT

PLEASE ENSURE THAT YOU SIGN AND COMPLETE THE FOLLOWING DOCUMENTS:

SBD FORM	DESCRIPTION	TO BE COMPLETED BY	COMMENTS ON COMPLIANCE BY SERVICE PROVIDER
STANDARIZED BID FORMS			
SBD 1	Invitation to bid	To be completed and signed by the service provider.	
SBD 4	Declaration of interest	To be completed and signed by the service provider.	
SBD 6	Preference points claim form	To be completed and signed by the service provider in order to claim points	
SBD 8	Declaration of the bidder's past SCM practices	To be completed and signed by the service provider.	
SBD 9	Certificate of independent bid determination	To be completed and signed by the service provider.	

PLEASE ENSURE/PROOF THAT TAX MATTERS ARE IN ORDER BY SUBMITTING THE FOLLOWING DOCUMENT:

TAX MATTERS TO BE IN ORDER	
CSD PRINT OUT SARS PIN	Service provider must proof valid tax matters by providing: • Each party to a Consortium/Joint Venture must submit a separate valid Tax Clearance Certificate/CSD printout report with the bid. • CSD printout report with compliant tax matters. • Tax compliance status

PLEASE ENSURE THE SUBMITTING OF THE FOLLOWING DOCUMENT:

JOINT VENTURE AGREEMENT (if applicable)	
Joint Venture agreement *(Compulsory if applicable)*	In the event that a joint venture bid is submitted a **signed** joint venture agreement, witnessed by a registered Attorney at Law must be submitted with the bidding document. Failure to submit a signed joint venture agreement **(signed by all the parties)** will lead to disqualification of the bid.

PLEASE ENSURE THE FOLLOWING:

SPECIFICATION, PRE-QUALIFICATION CRITERIA AND GENERAL CONDITIONS

- Please ensure that you attach **ALL** documents as requested in specification, special conditions and functionality criteria.
- Ensure that documents are originally certified.

ENSURE THAT YOU ATTACH AN ORIGINAL SIGNED/ORIGINAL CERTIFIED COPY OF YOUR BBBEE CERTIFICATE/SWORN AFFIDAVIT:

Only bidders with BBBEE level 1-3 will qualify.

Conditions on BBBEE level:

- If the level is not indicated on your BBBEEcertificate/sworn affidavit your offer will be disqualified.
- If the BBBEE certificate/sworn affidavit is not signed your offer will be disqualified.

- If the BBBEEcertificate/sworn affidavit level is not between 1-3 your offer will be disqualified.
- If the BBBEEcertificate/sworn affidavit is not valid (expired) your offer will be disqualified.
- If an original certified/orginal BBBEE certificate/sworn affidavit is not attached your offer will be disqualified.

In case of a Joint Venture a consolidated B-BBEE certificate/sworn affidavit for the Joint venture company should be submitted. Please note if BEE certificates/sworn affidavits for each company is submitted and not a consolidated B-BBEE certificate your offer will be disqualify as proof of the correct BBBEE level for the JV cannot be determined. The consolidated B-BBEE certificate/affidavit should comply with the requirements as mentioned in above bullets.

GENERAL CONDITIONS OF CONTRACT IS APPLICABLE

www.treasury.gov.za

http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/General%20Conditions%20of%20Contract.pdf

FORMAT/EXAMPLE OF SWORN AFFIDAVIT TO BE USED AND SUBMITTED WHEN BIDDER IS EME AND QSE

PLEASE ENSURE THAT YOU COMPLETE THE CORRECT SWORN AFFADAVIT ACCORING TO YOUR TOTAL ANNUAL REVENUE

Please note that there are two types of sworn affidavits namely these for:
1) EME suppliers (where the total annual revenue for the latest financial year was R10 million or less) AND
2) QSE suppliers (where the total annual revenue for the latest financial year is between R10 million and R50 million)

SWORN AFFIDAVIT – B-BBEE EXEMPTED MICRO ENTERPRISE - GENERAL

I, the undersigned,

Full name & Surname	
Identity number	

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.

2. I am a Member / Director / Owner of the following enterprise and am duly authorised to act on its behalf:

Enterprise Name:	
Trading Name (If Applicable):	
Registration Number:	
Enterprise Physical Address:	
Type of Entity (CC, (Pty) Ltd, Sole Prop etc.):	
Nature of Business:	
Definition of "Black People"	As per the Broad-Based Black Economic Empowerment Act 53 of 2003 as Amended by Act No 46 of 2013 "Black People" is a generic term which means Africans, Coloureds and Indians – (a) who are citizens of the Republic of South Africa by birth or descent; or (b) who became citizens of the Republic of South Africa by naturalisation- i. before 27 April 1994; or ii. on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date;"
Definition of "Black Designated Groups"	"Black Designated Groups means: (a) unemployed black people not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution; (b) Black people who are youth as defined in the National Youth Commission Act of 1996; (c) Black people who are persons with disabilities as defined in the Code of Good Practice on employment of people with disabilities issued under the Employment Equity Act; (d) Black people living in rural and under developed areas; (e) Black military veterans who qualifies to be called a military veteran in terms of the Military Veterans Act 18 of 2011;"

3. I hereby declare under Oath that:

- The Enterprise is _____% Black Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- The Enterprise is _____% Black Female Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- The Enterprise is _____% Black Designated Group Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- Black Designated Group Owned % Breakdown as per the definition stated above:
    - Black Youth % = _____%
    - Black Disabled % =_____%
    - Black Unemployed % =_____%
    - Black People living in Rural areas % = _____%
    - Black Military Veterans % =_____%

- Based on the Financial Statements/Management Accounts and other information available on the latest financial year-end of _____, the annual Total Revenue was R10,000,000.00 (Ten Million Rands) or less
- Please Confirm on the below table the B-BBEE Level Contributor, **by ticking the applicable box.**

100% Black Owned	**Level One** (135% B-BBEE procurement recognition level)	
At least 51% Black Owned	**Level Two** (125% B-BBEE procurement recognition level)	
Less than 51% Black Owned	**Level Four** (100% B-BBEE procurement recognition level)	

4. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the Owners of the Enterprise which I represent in this matter.

5. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

Deponent Signature: _____

Date:_____

_____

Commissioner of Oaths
Signature & stamp

SWORN AFFIDAVIT – B-BBEE QUALIFYING SMALL ENTERPRISE - GENERAL

I, the undersigned,

Full name & Surname	
Identity number	

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.

2. I am a Member / Director / Owner of the following enterprise and am duly authorised to act on its behalf:

Enterprise Name:	
Trading Name (If Applicable):	
Registration Number:	
Enterprise Physical Address:	
Type of Entity (CC, (Pty) Ltd, Sole Prop etc.):	
Nature of Business:	
Definition of "Black People"	As per the Broad-Based Black Economic Empowerment Act 53 of 2003 as Amended by Act No 46 of 2013 "Black People" is a generic term which means Africans, Coloureds and Indians – (a) who are citizens of the Republic of South Africa by birth or descent; or (b) who became citizens of the Republic of South Africa by naturalisation- i. before 27 April 1994; or ii. on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date;"
Definition of "Black Designated Groups"	"Black Designated Groups means: (a) unemployed black people not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution; (b) Black people who are youth as defined in the National Youth Commission Act of 1996; (c) Black people who are persons with disabilities as defined in the Code of Good Practice on employment of people with disabilities issued under the Employment Equity Act; (d) Black people living in rural and under developed areas; (e) Black military veterans who qualifies to be called a military veteran in terms of the Military Veterans Act 18 of 2011;"

3. I hereby declare under Oath that:

- The Enterprise is _____% Black Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- The Enterprise is _____% Black Female Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- The Enterprise is _____% Black Designated Group Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- Black Designated Group Owned % Breakdown as per the definition stated above:
    - Black Youth % = _____%
    - Black Disabled % =_____%
    - Black Unemployed % =_____%
    - Black People living in Rural areas % = _____%
    - Black Military Veterans % =_____%

- Based on the Financial Statements/Management Accounts and other information available on the latest financial year-end of _____, the annual Total Revenue was between R10,000,000.00 (Ten Million Rands) and R50,000,000.00 (Fifty Million Rands),

- Please confirm on the table below the B-BBEE level contributor, **by ticking the applicable box.**

100% Black Owned	**Level One** (135% B-BBEE procurement recognition level)	
At Least 51% black owned	**Level Two** (125% B-BBEE procurement recognition level)	

4. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the owners of the enterprise which I represent in this matter.

5. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

Deponent Signature: _____

Date:_____

_____

Commissioner of Oaths
Signature & stamp