

SFF/0519/04/2021	RFQ to Supply and deliver PSV's for valve stations at SFF Saldanha terminal	
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A SUBSIDIARY OF CEF (SOC) LTD

RFQ NUMBER:	SFF/0519/04/2021
ISSUE DATE:	19 AUGUST 2021
ADDRESS AND CONTACT PERSON	151 FRANS CONRADIE DRIVE PAROW phumlaniS@strategicfuelfund.co.za CC Sandisiwek@strategicfuelfund.co.za 0215242700
CLOSING DATE:	27 AUGUST 2021
CLOSING TIME:	16H00
TENDER VALIDITY PERIOD:	60 DAYS FROM CLOSING DATE

COMPANY NAME:	
CONTACT PERSON:	
CONTACT NUMBER:	
E-MAIL ADDRESS:	
PHYSICAL ADDRESS:	

SUPPLIER TO NOTE:

- A) SFF CONDITIONS OF PURCHASE WILL APPLY
- B) LATE / INCOMPLETE QUOTATIONS WILL NOT BE CONSIDERED

1. BACKGROUND

SFF is a wholly owned subsidiary of CEF established by the Government and came into operation in 1977. The entity is mandated by the Minister of Energy to manage and control the Strategic stocks, Strategic assets and commercialization of the assets in order to fund the government mandate.

In 2012 SFF merged with Oil Pollution Control South Africa (OPCSA), which was previously a service provider to SFF. SFF manages three terminals: Saldanha, Milnerton and Ogies. Saldanha is fully utilized for both strategic crude storage and commercial activity with its revenue used to fund the mandate of SFF.

2. SCOPE OF WORK PROCUREMENT:

Scope: Supply and deliver 6 x Birkett Screwed in x Screwed Out Relief valves.

DNS25(1") orifice 507, Min pressure 0.35Bar, max pressure 24 Bar

Body - Stainless steel

Trim – stainless steel

Done cap.

Set pressure 1650kPa

3. FORM OF OFFER

Notes to Pricing:

- Prices must be quoted in South African Rand, inclusive of VAT
- Prices quoted must be held valid for a period of 90 days from closing date of this RFQ
- Please note that should you have offered a discounted price(s) SFF Association will only consider such price discount(s) in the final evaluation stage if offered on an unconditional basis.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS:

..... Rand (in words and cents); R (in figures) including VAT, contingency, accommodation and travel

.This offer may be accepted by the employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the bidder before the end of the period of validity stated in the RFQ.

Signature Date

Print Name

Capacity

(for the tenderer)

(Name and address of the organization)

.....

witness

Date

DELIVERY PERIOD: Suppliers are requested to offer their earliest delivery period possible as delivery may be a deciding factor in adjudication of the quotation.

Delivery will be effected within Working days from date of order. (To be completed by Service provider)

DELIVERY POINT: The service / goods must be delivered at the following address:
SFF Saldanha Terminal

VALIDITY PERIOD: SFF desires a validity period up to **60 days** against this Quotation. It should be noted that suppliers may offer an earlier validity period, but that their quotation may in that event, be disregarded for this reason.

This Quotation is valid until (To be completed by Supplier)

YOUR REFERENCE:

PAYMENT:

Payment will be made upon completion of the works within 30 days from date of receipt of a correct tax invoice.

SBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9) makes provision for the promotion of local production and content.
- 1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for bids referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

- 1.6 A bid may be disqualified if –

- (a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
- (b) the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.

2. Definitions

- 2.1. **“bid”** includes written price quotations, advertised competitive bids or proposals;
- 2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);
- 2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- 2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility(close corporation, partnership or individual).
- 2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour or intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
- 2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and
- 2.9. **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.
3. **The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
<u>Valves products & Actuators</u>	<u>70</u> %
<u></u>	<u></u> %
<u></u>	<u></u> %

4. Does any portion of the services, works or goods offered have any imported content?
(Tick applicable box)

YES		NO	
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- 4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on www.reservebank.co.za.

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

5. Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct?
(Tick applicable box)

YES		NO	
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5.1. If yes, provide the following particulars:

- (a) Full name of auditor:
 (b) Practice number:
 (c) Telephone and cell number:
 (d) Email address:

(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)

6. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

LOCAL CONTENT DECLARATION
(REFER TO ANNEX B OF SATS 1286:2011)

LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)

IN RESPECT OF BID NO.

ISSUED BY: (Procurement Authority / Name of Institution):

.....
 NB

1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on <http://www.thdti.gov.za/industrial-development/ip.jsp>. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification

purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, (full names),
do hereby declare, in my capacity as
of(name of bidder
entity), the following:

(a) The facts contained herein are within my own personal knowledge.

(b) I have satisfied myself that:

- (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (ii) the declaration templates have been audited and certified to be correct.

(c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.

The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

(d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Preferential Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

DATE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

SATS 1286.2011

Annex C

Local Content Declaration - Summary Schedule

(C1) Tender No.

(C2) Tender description:

(C3)	Designated product(s)

Tender Authority:

(C5) Tendering Entity name:

(C6) Tender Exchange Rate:

(C7) Specified local content %

Pula

1

EU[

--	--

GBP

1

Note: VAT to be excluded from all calculations

[illegible]

Signature of tenderer from Annex B

Date:

4. EVALUATION CRITERIA

The evaluation of Quotations to determine whether the Bidder is capable of delivering the Goods/Services and will be evaluated according to the following Evaluation Criteria:

Evaluation Criteria	Weighting
Price	80
BEE	20

STAGE 1: Mandatory Requirements

(a) Test for Administrative Responsiveness

The test for administrative responsiveness will include the following:

Administrative responsiveness check
Whether the RFQ has been received on time
Whether all Returnable Documents were completed and returned by the closing date and time
Verify the validity of all Returnable Documents

The test for Administrative Responsiveness [Stage One] must be passed for a Quotation to progress to further pre-qualification.

(b) Test for Substantive Responsiveness to RFP

The test for substantive responsiveness to this RFQ will include the following:

Check for substantive responsiveness
Whether any general pre-qualification criteria set by SFF Association, have been met
Whether the RFQ contains a priced offer
Whether the RFQ materially complies with the scope of work given

The test for substantive responsiveness [Stage One] must be passed for a Proposal to progress to Stage 3 for further evaluation

SFF Association reserve the right not to evaluate your submission and to omit your submission from further participation in this RFQ process should it not comply with the Critical Criteria as contained in this Request for Quotation.

SFF Association reserves the right to lower the threshold for Technical Evaluation Criterion by 10% [Ten percent] if no Tenderers pass the predetermined minimum threshold in respect of Technical.

STAGE 3: Evaluation and Final Weighted Scoring

(a) Price Criteria [Weighted score 80]

Evaluation Criteria
• Commercial Offer

Price Evaluation: The evaluation for price will be done based on the following formula:

Where

PS = Points scored for price of tender under consideration

Pt = Rand value of offer tender consideration

Pmin = Rand value of lowest acceptable tender

(b) Broad-Based Black Economic Empowerment criteria [Weighted score 20 points]

Preference points will be awarded to a Tenderer for attaining the B-BBEE status level of contribution in accordance with the table indicated in Annexure A: Preference Points Claim Form

BEE Evaluation: The BBBEE component of evaluation is weighted at 20% of the evaluation criteria. Bidders will be awarded the following points based on the level of their BBBEE as per their BBBEE Certificate issued by an agency approved by SANAS or IRBA registered Auditors:

BBBEE Status Level of Contributor	Number of Points
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-complaint contributor	0

(c) Cost /Price

The service provider will be requested to provide a quotation for the work to be taken. The total fees VAT inclusive must be quoted in South African Rands (ZAR). The quoted fee will remain fixed for one year.

STAGE FOUR: Post Tender Negotiations (if applicable)

SFF Association reserves the right to conduct post tender negotiations with a shortlist of Tenderer(s). The shortlist could comprise of one or more Tenderers. Should SFF Association conduct post tender negotiations, Tenderers will be requested to provide their best and final offers to SFF Association based on such negotiations. A final evaluation will be conducted in terms of 90/10 evaluation thereafter the contract will be negotiated and awarded to the successful Tenderer(s).

5. RETURNABLE DOCUMENTS

Returnable Documents means all the documents, Parts and Annexures, as listed in the tables below.

(a) Mandatory Returnable Documents

Failure to provide all mandatory Returnable Documents at the closing date and time of this tender will result in a Tenderer's disqualification. Tenderers are therefore urged to ensure that all these Documents are returned with their Proposal

Please confirm submission of the mandatory Returnable Documents detailed below by so Indicating [Yes or No] in the table below:

MANDATORY RETURNABLE DOCUMENTS	SUBMITTED [Yes/No]
Form of offer	
Original and valid Tax Clearance Certificate	

(b) Essential Returnable Documents

In addition to the requirements of Part (a) above, Tenderers are further required to submit with their Proposals the following **essential Returnable Documents** as detailed below.

Failure to provide all essential Returnable Documents may result in a Tenderer's to re-submit the documents and if not will be disqualified. Tenderers are therefore urged to ensure that all these documents are returned with their Proposals.

Please confirm submission of these essential Returnable Documents by so indicating [Yes or No] in the table below:

ESSENTIAL RETURNABLE DOCUMENTS & SCHEDULES	SUBMITTED [Yes or No]
RFP Declaration Form	
B-BBEE Certificate	
List of Directors	
Company Profile	
Project Schedule	
Company Organogram	
Completion Certificate	
Appointment Letters	
CK Document	
Letter of Good Standing	
Proof of Bank Account (either a cancelled cheque or letter from the bank)	
Copies of Directors' ID documents	
Company Letter Head	
CSD Registration	

CONTINUED VALIDITY OF RETURNABLE DOCUMENTS

The successful Tenderer will be required to ensure the validity of all returnable documents, including but not limited to its Tax Clearance Certificate and valid B-BBEE Verification Certificate, for the duration of any contract emanating from this RFP. Should the Tenderer be awarded the contract **[the Agreement]** and fail to present SFF Association with such renewals as and when they become due, SFF Association shall be entitled, in addition to any other rights and remedies that it may have in terms of the eventual Agreement, to terminate such Agreement forthwith without any liability and without prejudice to any claims which SFF Association may have for damages against the Tenderer.

By signing these RFQ documents, the Tenderer is deemed to acknowledge that he/she has made himself/herself thoroughly familiar with all the conditions governing this RFQ, including those contained in any printed form stated to form part hereof, and SFF Association will recognize no claim for relief based on an allegation that the Tenderer overlooked any such condition or failed properly to take it into account for the purpose of calculating tendered prices or otherwise.

In addition, by signing these RFQ documents, the Tenderer is deemed to have acknowledged that SFF Association is required to Process its Personal Information (as such capitalised terms are defined in the Protection of Personal Information Act, No. 4 of 2013), in order to evaluate its tender and that such Processing shall be done in accordance with SFF Association's Privacy Policy, which is available on the SFF website and on request – the Tenderer is expected to familiarise itself with this Privacy Policy. The

SFF association reserves the right and the Tenderer is hereby informed that external service providers may be appointed by the SFF association to assist SFF in evaluating tender responses and suitability for appointment.

SIGNED at _____ On this _____ day of _____ 20____

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

2 _____

Name _____

SIGNATURE OF TENDERER'S AUTHORISED REPRESENTATIVE:

Name _____

ANNEXTURE 1:**SIGNING POWER – RESOLUTION OF BOARD OF DIRECTORS**

NAME OF ENTITY: _____

It was resolved at a meeting of the Board of Directors held on _____ that

FULL NAME(S)

CAPACITY

SIGNATURE

In his/her capacity as indicated above is/are hereby authorised to enter into, sign, execute and complete any documents relating to this Proposal and any subsequent Agreement for the provision of Services. A list of those person(s) authorised to negotiate on behalf of the abovementioned entity [if not the authorised signatories] is also submitted along with this Proposal together with their contact details.

FULL NAME _____

SIGNATURE CHAIRMAN

FULL NAME _____

SIGNATURE SECRETARY

ANNEXTURE 2:

1. DECLARATION OF INTEREST (SBD 4)

Any legal person, including persons employed by the state¹, SANSA Board members 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;
- SANSA Board member; 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

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

Are you or any person connected with the bidder presently employed by the state? 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:.....	YES / NO
If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? If yes, did you attach proof of such authority to the bid document? (Note: Failure to submit proof of such authority, where applicable, may result in the qualification of the bid) If no, furnish reasons for non-submission of such proof:.....	YES / NO YES / NO
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? If so, furnish particulars:.....	YES / NO

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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? If so, furnish particulars:.....	YES / NO
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? If so, furnish particulars:.....	YES / NO
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? If so, furnish particulars:.....	YES / NO

ANNEXURE 3

Declaration of Bidder's past supply chain management practices (SBD 8)

- 1.1 This Standard Bidding Document must form part of all bids invited.
- 1.2 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
- 1.3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
- 2.3.1 Abused the institution's supply chain management system
 - 2.3.2 Committed fraud or any other improper conduct in relation to such system; or
 - 2.3.3 Failed to perform on any previous contract.

2.4 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
2. 4.1	Is the bidder or any of its directors listed on the National Treasury's database 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 National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes ☐	No ☐
2.4.1.1	If so, furnish particulars:		

2.4.2	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)? To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.	Yes ☐	No ☐
2.4.2.1	If so, furnish particulars:		
2.4.3	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 ☐
2.4.3.1	If so, furnish particulars:		
2.4.4	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 ☐
2.4.4.1	If so, furnish particulars:		

ANNEXURE 4

Certificate of Independent Bid Determination (SBD 9)

3.1. This Standard Bidding Document (SBD) must form part of all bids¹ invited.

3.2 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.

3.3 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

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fraudulent act during the bidding process or the execution of that contract.

3.4 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.

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

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

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

Certificate of Independent Bid Determination

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

- A. I have read and I understand the contents of this Certificate;
- B. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
- C. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
- D. 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;
- E. 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:

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- (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

F. 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.

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

- (i) prices;
- (ii) geographical area where product or service will be rendered (market allocation)
- (iii) methods, factors or formulas used to calculate prices;
- (iv) the intention or decision to submit or not to submit, a bid;
- (v) the submission of a bid which does not meet the specifications and conditions of the bid; or
- (vi) bidding with the intention not to win the bid.

H. 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.

I. 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.

J. 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.