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REQUEST FOR QUOTATION (RFQ)

RFQ	RFQ/FIN/2022/11
RFQ ISSUE `DATE	03 FEBRUARY 2022
RFQ DESCRIPTION	APPOINTMENT OF A SUITABLE SERVICE PROVIDER FOR PROVISION OF ANNUAL FINANCIAL STATEMENTS (AFS) QUALITY ASSURANCE SERVICES FOR A PERIOD OF NINE (9) MONTHS.
COMPULSORY BRIEFING SESSION	N/A
CLOSING DATE & TIME	23 FEBRUARY 2022 AT 12HOOPM

Submissions must be emailed to: SABC RFQSubmissions@sabc.co.za on or before the closing date of this RFQ.

PLEASE NOTE THAT AS FROM 01 JULY 2016 COMPANIES THAT ARE NOT REGISTERED WITH CSD SHALL NOT BE CONSIDERED.

For queries, please contact **Blonde Ngoepe** @ tenderqueries@sabc.co.za

The SABC requests your quotation on the services listed above. Please furnish us with all the information as requested and return your quotation on the date and time stipulated above. Late and incomplete submissions will invalidate the quote submitted.

SUPPLIER NAME: _____

POSTAL ADDRESS: _____

TELEPHONE NO: _____

FAX NO.: _____

E MAIL ADDRESS: _____

CONTACT PERSON: _____

CELL NO: _____

SIGNATURE OF BIDDER: _____

South African Broadcasting Corporation SOC Limited: Registration Number: 2003/023915/30

Non-Executive Directors: Mr B E Makhathini (Chairperson); Ms M Mohlala-Mulaudzi (Deputy Chairperson); Prof S Cooper; Adv M B B Lekalakala; Mr D M Maimela; Mr M G Markovitz; Mr D K Mohuba; Ms B Muthien; Ms J Patel; Mr J H Phalane; Ms M B Papayya; Dr M Socikwa

Executive Directors: Mr M T Mxakwe (Group Chief Executive Officer); Mr I C Plaatjes (Chief Operations Officer); Ms Y van Biljon (Chief Financial Officer); **Company Secretary:** Ms L V Bayi

NOTES ON QUOTATIONS AND PROPOSALS SUBMISSION

1. All electronic submissions must be submitted in a PDF format that is protected from any modifications, deletions, or additions.
2. Financial/pricing information must be presented in a separate attachment from the Technical / Functional Response information.
3. The onus is on the Bidder to further ensure that all mandatory and required documents are included in the electronic submission.
4. All electronic submissions should be prominently marked with the full details of the tender in the email subject line.
5. Bidders are advised to email electronic submissions at least thirty minutes before the bid closing time to cater for any possible delay in transmission or receipt of the bid. The onus is on bidder to ensure that the bid is submitted on time via email.
6. Tender submission emails received after submission date and time will be considered late bid submissions and will not be accepted for consideration by SABC.
7. SABC will not be responsible for any failure or delay in the email transmission or receipt of the email including but not limited to:
 - receipt of incomplete bid
 - file size
 - delay in transmission receipt of the bid
 - failure of the Bidder to properly identify the bid.
 - illegibility of the bid; or
 - Security of the bid data.

REQUIRED DOCUMENTS

- 1.1 Submit proof of CSD registration (**Bidder must be registered with CSD to do business with the SABC**)
- 1.2 Proof of Valid TV License Statement for the Company; all active Directors and Shareholder must have valid TV Licenses.
(Verification will also be done by the SABC internally).
- 1.3 Valid SARS Tax Compliance Status Pin Issued to validate supplier's tax matters.
- 1.4 Original or Certified copy of Valid BBEE Certificate (from SANAS accredited Verification Agency)
- 1.5 All EME's and 51% black Owned QSE's are only required to obtain a **sworn affidavit** on an annual basis, confirming the following.
 - 1.4.1 Annual Total Revenue of R10 Million or less (EME) or Revenue between R10 Million and R50 Million for QSE
 - 1.4.2 Level of Black Ownership

Note 1:

Verification Agencies and Auditors who are accredited by the IRBA (Independent Regulatory Board for Auditors) are no longer the 'approved regulatory bodies' for B-BBEE verification and therefore IRBA auditors are not allowed to issue B-BBEE certificates after 30 September 2016.

Note 2:

Any misrepresentation in terms of the above constitutes a criminal offence as set out in the B-BBEE act as amended.

- 1.6 Certified copy of Company Registration Document that reflect Company Name, Registration number, date of registration and active Directors or Members.
- 1.7 Certified copy of Shareholders' certificates.
- 1.8 Submit Proof of Public Indemnity Cover for a minimum of R10 000 000
- 1.9 Certified copy of ID documents of the Directors or Members.

NB: NO CONTRACT WILL BE AWARDED TO ANY BIDDERS WHO'S TAX MATTERS ARE NOT IN ORDER.

NO CONTRACT WILL BE AWARDED TO ANY BIDDERS WHO'S TV LICENCE STATEMENT ACCOUNT IS NOT VALID.

DETAILED TECHNICAL SPECIFICATION

1. COMPANY OVERVIEW

South African Broadcasting Corporation (SABC) is a Public Entity founded in August 1936 and listed in terms of Schedule 2 of the Public Finance Management Act, Act No. 1 of 1999, as a public broadcaster in South Africa, and provides 19 radio stations as well as five television broadcasts to the general public.

2. BACKGROUND

The SABC reported an increase in the number of external audit findings for financial statement-related items during the 2021 audit cycle. Inadequate review of AFS supporting schedules, as well as inaccurate and incomplete disclosures in the AFS by both business and group finance, were major contributors to the increased findings.

As an entity that is constantly striving to improve its internal control environment and, as a result, audit outcomes, the hiring of a specialist will help to achieve this goal. In each of the last three fiscal years, unfavourable results have been reported in the Auditor General's report, with a qualified audit opinion expressed in the AFS. Although audit outcomes have remained stable, the number of audit findings reported has increased slightly. When compared to the two previous fiscal years (2020 and 2019), the number of audit findings reported in the 2021 fiscal year was lower.

3. BUSINESS REQUIREMENTS

Additional quality assurance of annual financial statements is a preventative measure to improve financial statement quality and reduce audit time spent on resolving audit findings. The following are the business requirements to help improve the quality of the AFS and reduce the number of audit findings reported: -

3.1 AFS schedules accuracy:

- The accuracy of the AFS supporting schedules is critical to the preparation of quality AFS. The service provider will review AFS schedules for accuracy and alignment to the interim and final AFS. Any issues identified must be communicated timely to business and the financial reporting specialist for considering.

3.2 Accounting policies:

- SABC accounting policies must be in line with the SABC Financial reporting framework, i.e., International Financial Reporting Standards (IFRS), and where judgement was applied considerations applied must be contained in the AFS.
- The SABC developed its own accounting policy in accounting for TV licence revenue, and the related contract assets and liabilities as it does not fall within the ambit of IFRS 15.

The service provider will review accounting policies for alignment to IFRS, assess the reasonableness of judgements applied in accounting for certain transactions, and developed accounting policy.

3.3 AFS disclosures must be in accordance with IFRS disclosure requirements:

- Adherence to IFRS disclosure requirements will be reviewed, and technical advice will have to be provided, especially in instances where accounting treatment is complex.
- A disclosure checklist signed off by the Senior Manager must be complied by the service provider and submitted to SABC Group finance reporting specialist and Head of Finance.

3.4 Audit adjustments:

- The service provider should assist in resolving audit adjustments to the annual financial statements prior to signing off the audit report.

3.5 Other financial reporting matters:

- The service provider should provide advice on any other financial reporting matter linked to the AFS. These are both on technical and non-technical matters.
- Service provider must be prepared to work outside business the normal times of 08H00 to 17H00.

3.6 The benefits from the procurement of the quality assurance specialist should include the following:

- Submission of quality annual financial statements
- Reduction in the number of audit findings reported
- Elimination of PFMA non-compliance included in the audit report relating from material audit findings identified by the auditors
- Reduction in audit time due to potential less time spend on responding to audit findings and adjusting the annual financial statements
- Advice on technical financial reporting matters

3.7 The Scope

Items in scope

The project scope includes the following:

- Review of AFS supporting schedules against the AFS reported figures
- Review of accounting policies in adherence to International Financial Reporting Standards

- Review of disclosures in accordance with International Financial Reporting Standards

4. Minimum Requirement

The following information must be provided in the proposal document:

- The proposal should outline the service providers' approach and methodology and demonstrate its ability to be flexible to the needs of the SABC;
- Detailed curriculum vitae (CV) of the External Quality Assurance Specialist including key team members. **A Minimum of three to a maximum of 5 team members.**
- The minimum requirement for External Quality Assessor should be Certified Quality Assessor or equivalent qualification in the External Quality Assessment field as specified in the mandatory technical requirements below, coupled with minimum of three years of practical experience in External Quality Assessment; and
- Company background and track record in similar projects, at least three (3) contactable references including the confirmation letters.

5. FIRST PHASE EVALUATION CRITERIA: MANDATORY TECHNICAL REQUIREMENTS

- A point-by-point response is required, i.e., **a comment for each point or paragraph that is associated with the numbering should be made.**
- The response to technical requirements must state **“Comply” or “Non-Compliance.”** The bidder must specify how are they complying for each aspect as stated below, including references, or supporting information to clarify the response.
- No response, without detail will be seen as **“Non-Compliance”**. Specify proof of compliance i.e., page number on technical proposal.

SCOPE OF MANDATORY TECHNICAL REQUIREMENTS

Any bidder that does not meet any of the following requirements will be disqualified and not taken to the next phase of evaluation Third Phase: Paper Based Evaluation.

NO.	ITEMS	COMPLY	Bidder to indicate clearly in their response on full compliance.
1.	Firm to demonstrate at least three (3) years' experience of performing external quality assessments of a similar nature.		

2.	External Quality Assurance Specialist' must be a certified professional (i.e., Certified Internal Auditor (CIA), CA(SA), ACCA, CISA) and must have at least 3 years of work experience in undertaking external quality assurance reviews.		
3.	All team members to be assigned to the project must be affiliated to the SAICA or IIASA		
4.	Each team member must have at least three (3) years' experience in Internal Auditing at management level/ external quality assurance reviews at management level.		

6. Contract Period

NINE (9) MONTHS

7. RFQ Response Information

Effective Date of Bid

Vendor(s) should state in their offer to the SABC in writing that all information, including price, provided shall remain valid and applicable for 90 days from the date the SABC receives the vendor quotation.

8. COSTING

The quotation must reflect a detailed cost breakdown, and any indirect costs with the rendering of the service.

9. EVALUATION CRITERIA

5.1. BBBEE and Price

- The RFQ responses will be evaluated on the **80/20**-point system.

5.2. Technical Evaluation

- The RFQ submission will be technically evaluated out of a maximum of 95.
- A threshold of 60 out of 95 has been set.
- Bidder who obtains less than 60 will not be considered for the next phase of evaluation.**

5.3. Objective Criteria

- SABC further reserve the right not to award this RFQ to any bidder based on the proven poor record of accomplishment of the bidder in previous projects within the SABC.

Functionality Criterion

No.	Criteria	Criteria	Weight	Value rating
1	Approach and Methodology	Methodology and approach clearly depicting an understanding of the AFS preparation process.	30	30 = The proposal is fully responsive to the requirements of the SABC, and the methodology and approach clearly demonstrate understanding of the AFS preparation process. 15 = The proposal is not fully responsive to the requirements of the SABC, and the methodology and approach demonstrate some understanding of the AFS preparation process. 0 = The proposal is not responsive to the requirements of the SABC, and the methodology and approach does not demonstrate understanding of IIA QAIP requirements.
2	Project Plan	- Proposal with project plan displaying an understanding and knowledge on Quality Assurance reviews of AFS - In-depth activity based project plan detailing timeframes for the project and detailed activity-based budget.	20	- Project plan outlining key activities and time frame as per the scope of work = 20 - Project plan outlining limited key activities and no time frame as per the scope of work = 10 - Project plan attached but outside the timelines as per the scope of work = 5 Project plan not attached =0

3	Previous experience of the service provider preferably within the Public Sector	References: submission of reference letters of similar work conducted containing the following: • Name of the company. • Nature of the work conducted. • Date of when project was undertaken; and • Duration of the project. Reference letters must be signed	15	• 5 = At least 3 years' experience • 10 = Five (5) or more years' experience • 15 = 10 or more years' experience
4	Contactable references on similar services.	References: submission of reference letters of similar work conducted containing the following: • Name of the company. • Nature of the work conducted. • Date of when project was undertaken; and • Duration of the project. Reference letters must be signed	10	• 0 = Less than three contactable references • 5 = At least 3 contactable references • 10 = More than 5 contactable references
5	Knowledge and experience of Project Team	• The quality assurance experience of the team members must be at three years at management level. • Attach certified copies of qualification and comprehensive CV that details the experience of team members in carrying out external quality assurance reviews.	20	• 10 = Average years of experience of the team members in at management level in performing external quality assessment reviews is above 3 years • 15 = Average years of experience of the team members in at management level in performing external quality assessment reviews is above 5 years • 20 = Average years of experience of the team members in at management level in performing external quality assessment reviews is above 10 years

No.	Criteria	Criteria	Weight	Value rating
	Total		95	
	Minimum Functionality Score		60	

10. ADJUDICATION USING A POINT SYSTEM

- a. The bidder obtaining the highest number of total points will be awarded the contract unless objective criteria justify the award to another bidder.
- b. Preference points shall be calculated after process has been brought to a comparative basis considering all factors of non-firm prices.
- c. If two or more bids received equal points, the successful bid must be the one with the highest number of B-BBEE preference points. However, when functionality is part of the evaluation process and two or more bids have scored equal points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- d. Should two or more bids be equal in all respect, the award shall be decided by the drawing of lots.

11. POINTS AWARDED FOR PRICE

The **80/20** preference point system

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

$$\text{Where: } Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Ps = Points scored for comparative price of bid under Consideration
 Pt = Comparative price of bid under consideration
 $Pmin$ = Comparative price of lowest acceptable bid

B-BBEE PREFERENTIAL POINTS WILL BE AWARDED AS FOLLOWS:

B-BBEE Status Level of Contributor Number of Points

B-BBEE Status level of Contributor	Number of points
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- a. Bidders who qualify as EME's in terms of the B-BBEE Act must submit a certificate issued by a verification Agency accredited by SANAS for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates or DTI Affidavit.
- b. Bidders other than EMEs must submit their original and valid B-BBEE status levels verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a verification agency accredited by SANAS.
- c. 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.
- d. 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.
- e. Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- f. A tenderer will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended Sub-contractor is an EME that has the capacity and the ability to execute the sub-contract.
- g. A tenderer awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capacity and the ability to execute the sub-contract.

12. **COMMUNICATION**

Respondents are warned that a response will be disqualified should any attempt be made by a tenderer either directly or indirectly to canvass any officer(s) or employees of SABC in respect of a tender, between the closing date and the date of the award of the business.

All enquiries relating to this RFQ should be emailed three days before the closing date.

13. **CONDITIONS TO BE OBSERVED WHEN TENDERING**

- a. The Corporation does not bind itself to accept the lowest or any tender, nor shall it be responsible for or pay any expenses or losses which may be incurred by the Tenderer in the preparation and delivery of his tender. The Corporation reserves the right to accept a separate tender or separate tenders for any one or more of the sections of a specification. The corporation also reserves the right to withdraw the tender at any stage.
- b. No tender shall be deemed to have been accepted unless and until a formal contract / letter of intent is prepared and executed.
- c. The Corporation reserves the right to:

Not evaluate and award submissions that do not comply with his RFQ document.

Make a selection solely on the information received in the submissions and

- i. Enter into negotiations with any one or more of preferred bidder(s) based on the criteria specified in the evaluation of this tender.
- ii. Contact any bidder during the evaluation process, in order to clarify any information, without informing any other bidders. During the evaluation process, no change in the content of the RFQ shall be sought, offered, or permitted.
- iii. Award a contract to one or more bidder(s).
- iv. Accept any tender in part or full at its own discretion.
- v. Cancel this RFQ or any part thereof at any time.
- vi. If a bidder or bidders are chosen for further negotiations, they will be chosen on the basis of the greatest benefit to the Corporation, not necessarily the lowest cost, in accordance with the BBEE & Preference Point system.

14. Cost of Bidding

The Tenderer is responsible for all costs and expenses associated with the preparation and submission of its tender or RFQ, and the Corporation is not responsible or liable for any such costs, regardless of the conduct or outcome of the bidding, evaluation, and selection process. **END OF RFQ DOCUMENT**

Annexed to this document for completion and return with the document:

- | | | |
|------------|---|---|
| Annexure A | - | Declaration of Interest |
| Annexure B | - | Consortiums, Joint Ventures and Sub-Contracting Regulations |
| Annexure C | - | Previous completed projects/Current Projects |
| Annexure D | - | SBD 8 & 9 Forms |

ANNEXURE A

DECLARATION OF INTEREST

1. Any legal or natural person, excluding any permanent employee of SABC, may make an offer or offers in terms of this tender invitation. In view of possible allegations of favouritism, should the resulting tender, or part thereof be awarded to-
 - (a) any person employed by the SABC in the capacity of Tenderer, consultant or service provider; or
 - (b) any person who acts on behalf of SABC; or
 - (c) any person having kinship, including a blood relationship, with a person employed by, or who acts on behalf of SABC; or
 - (d) any legal person which is in any way connected to any person contemplated in paragraph (a), (b) or (c),

it is required that:

The Tenderer or his/her authorised representative shall declare his/her position *vis-à-vis* SABC and/or take an oath declaring his/her interest, where it is known that any such relationship exists between the Tenderer and a person employed by SABC in any capacity.

Does such a relationship exist? [YES/NO]

If YES, state particulars of all such relationships (if necessary, please add additional pages containing the required information):

	[1]	[2]
NAME	:	
POSITION	:	
OFFICE WHERE EMPLOYED	:	
TELEPHONE NUMBER	:	
RELATIONSHIP	:	

2. Failure on the part of a Tenderer to fill in and/or sign this certificate may be interpreted to mean that an association as stipulated in paragraph 1, *supra*, exists.
3. In the event of a contract being awarded to a Tenderer with an association as stipulated in paragraph 1, *supra*, and it subsequently becomes known that false information was provided in response to the above question, SABC may, in addition to any other remedy it may have:
 - recover from the Tenderer all costs, losses or damages incurred or sustained by SABC as a result of the award of the contract; and/or
 - cancel the contract and claim any damages, which SABC may suffer by having to make less favourable arrangements after such cancellation.

SIGNATURE OF DECLARANT

TENDER NUMBER

DATE

POSITION OF DECLARANT

NAME OF COMPANY OR TENDERER

ANNEXURE B

CONSORTIUMS, JOINT VENTURES AND SUB-CONTRACTING REGULATIONS

1. CONSORTIUMS AND JOINT VENTURES

- 1.1 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.
- 1.2 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 tender.

2 SUB-CONTRACTING

- 2.1 A person awarded a contract may only enter into a subcontracting arrangement with the approval of the organ of state.
- 2.2 A person awarded a contract in relation to a designated sector, may not subcontract 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.
- 2.3 A person awarded a contract may not subcontract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level of contributor than the person concerned, unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

3 DECLARATIONS OF SUB-CONTRACTING

- 3.1 Will any portion of the contract be sub-contracted? YES / NO
- 3.2 If yes, indicate:
 - 3.2.1 The percentage of the contract will be sub-contracted%
 - 3.2.2 The name of the sub-contractor
 - 3.2.3 The B-BBEE status level of the sub-contractor.....
 - 3.2.4 whether the sub-contractor is an EME YES / NO

SIGNATURE OF DECLARANT

TENDER NUMBER

DATE

POSITION OF DECLARANT

NAME OF COMPANY OR TENDERER

ANNEXURE “C”**Previous completed projects (preferably provide a detailed company profile, detailed the below mentioned information)**

Project Descriptions	Client	Contact no	Contact person	Email address	Period of projects	Value of projects	Project Commence date	Completed date

Current projects (preferably provide a detailed company profile, detailed the below mentioned information)

Project Descriptions	Client	Contact no	Contact person	Email address	Period of projects	Value of projects	Project Commence date	Completion date

ANNEXURE "D"

SBD 9 CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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

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 consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ **Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill, and knowledge in an activity for the execution of a contract.**

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder