



REQUEST FOR QUOTATIONS (RFQ)-Preference Points System

You are hereby invited to submit Quotation for the requirements of SAFCOL SOC LTD		
RFQ number:	RFQ867/05/17/2021	
RFQ Issue Date	17/05/2021	
Closing date and Time	24/05/2021 AT 12:00PM	
COMPULSORY/ NON COMPULSORY BRIEFING SESSION	N/A	
Briefing Session Date and Time: (IF APPLICABLE)	N/A	
RFQ validity period:	60 days (commencing from the RFQ Closing Date)	
RFQ Description:	ROUNDLOG LOG TRANSPORT ENTABENI PLANTATION 61-70KM	
Contact Person		Lindiwe Bhembe
Contact number:		(013) 754 2700 Ext.2763 Cell number: 060 960 6579
RFQ responses must be emailed to :		

BIDDER NAME: _____

TOTAL BID PRICE (INCL VAT): _____

NB: THE BIDDER SHALL NOT STIPULATE THE BID PRICE, SAFCOL SHALL DETERMINE THE TOTAL BID PRICE AS PER RATES SUPPLIED BY THE BIDDER.

CONDITIONS OF THIS RFQ

- The Bidder shall only supply the rates on the schedule 6 and shall not leave blank spaces.
- Quotations should be mailed or hand delivered to our offices placed in an envelope clearly marked with RFQ Number and submitted to the above-mentioned address
- All service providers must submit their B-BBEE Verification Certificates from Verification Agencies accredited by the South African Accreditation System (SANAS) OR an EME/ QSE sworn affidavit **signed by the EME representative and attested by a Commissioner of Oaths**
- Evaluation criteria: 80/20 Preference Points System as presented in the preferential procurement regulations of 2017; for this purpose SDB 6.1 should be scrutinized; completed and submitted together with other forms and your quotations.
- All copyright and intellectual property herein vests with the SAFCOL.
- Late and incomplete submissions will not be accepted.
- Any bidder who has reasons to believe that the RFQ specification is based on a specific brand must inform SAFCOL before RFQ closing date.

SPECIAL CONDITIONS OF THIS RFQ

- Accepted RFQ's will be communicated by way of an official purchase order. Accordingly no goods; services or works must be prepared or delivered before an official purchase order is received by the respondent.
- All prices quoted must be firm and be inclusive of Value Added Tax(VAT)
- The lowest or any offer will not necessarily be accepted and SAFCOL reserves the right to accept any offer either in writing or in part.
- The offer shall remain bidding and open for acceptance by the SAFCOL during the validity period indicated and calculated from the closing time and date of this RFQ.

REASONS FOR DISQUALIFICATION

Service providers will be disqualified for the following:

1. Non compliance tax status at the time of award, verification of tax compliance status will be verified with SARS/ CSD
2. Failure to complete attached SBD forms
3. Submitted information that is fraudulent; factually untrue or inaccurate for example membership that do not exist; B-BBEE credentials; experience etc.
4. Service providers who made false declarations on the Standard Bidding Documents or misrepresented facts and or;
5. Service providers who are listed on the National Treasury's Database of restricted suppliers and defaulters
6. Failure to quote in line with the specification

I hereby accept the above-mentioned conditions

This RFQ is subject to the general conditions of the RFQ, National Treasury's general conditions of contract (GCC) and, if applicable, any other special conditions of contract (SCC).

NAME OF BIDDER_(COMPANY_NAME)..... SIGNATURE.....

CAPACITY..... DATE.....

TERMS OF REFERENCE/SPECIFICATIONS

DESCRIPTION OF GOODS/SERVICES REQUIRED: ROUNDLOG LOG TRANSPORT ENTABENI PLANTATION 61-70KM

1. PURPOSE

- To source a service provider for roundlog timber transportation in the North Region, specifically Entabeni Plantation.
- The service provider will be delivering pine Sawlogs, using different modes of transport.
- The contract shall expire when the value is reached and it will not be extended.

2. DESCRIPTION

- Service provider is required to have sufficient equipment that are configured and suitable to operate within the forestry industry. There will be no waiting period for the carrier to source equipment, therefore the carrier is expected by the company (SAFCOL) to have the equipment available immediately after receiving the award letter from Supply Chain Department.
- A rate Sheet is provided for as **SCHEDULE 6**, where the service provider is expected to indicate in all the rate / km. (Do not leave Blank spaces)

2.1 Modifications

2.2.2 All units must conform to normal Certificate of Fitness (COF) and licence requirements.

2.2.3 Original equipment manufacturers:

- Accredited dealer principles in close proximity of operating area are strongly recommended

2.2 Objectives of the required services

2.2.1 RFQ – Entabeni

To find a service provider that will offer the timber transport deliveries to Safcol's external client in the Vondo area for a short period, the successful service provider will provide the company with the below services:

- Type of operation : Timber Transport – All modes for a lead distance of 61-70 Kms
- Type of transport: Shorthaul (SH) , Direct-to-mill (DTM) , Longhaul(LH) and Handling (Loading, Offloading and sorting)
- Location of the operation: North Region – Entabeni (Thate Vondo)

- Volume requirements: Pine (Sawlogs) – to be determined as quoted rates from the Bidder
- Type of product: Pine (Sawlogs)
- Duration of the contract: Volume based

Please remember to send the following documents:

- ***Completed and signed RFQ***
- ***Official Quotation from your company***
- ***Tax and BBBEE certificates (Sworn Affidavit for EME/QSE)***
- ***CSD Report or (MAAA number)***

I, the undersigned, for and on behalf of the bidder, hereby confirm that I/we understand the information as stated above and that I/we will comply with all of the above.

.....
Name (print) Signature

.....
Capacity Date

Evaluation Criteria

Quotations will be evaluated in accordance with SAFCOL Supply Chain Management Policy and Preferential Procurement Policy Framework Regulations of 2017; the bid evaluation process shall be carried out in three (3) phases namely:

Phase 1 (a): Administrative Compliance Evaluation

Phase 2: Mandatory Requirement

Phase 3: Local Content Evaluation

Phase 4: Price and B-BBEE Evaluation

PHASE 1 (a): Administrative Compliance requirements

1. Completion in full of the Request for Proposal document
2. Completion of all SBD Forms(Declaration Forms)
3. Proof that tax matters with SARS are in order(SARS Pin Number/ Tax Clearance Certificate)
4. Certified copy of proof of company registration documents(e.g Pty;Trust; CC etc)
5. Original or certified copy of B-BBEE Level of contribution Certificate (Failure to attach certificate will lead to non- allocation of points)
6. Registration with National Treasury Central Supplier Database (CSD), if not registered on CSD, successful bidder must register within 7 working days of award.

Phase 2: Mandatory Requirements

Method of Mandatory Requirements	Comply	Not Comply
Equipment configurations • 6 x 4 or 8 x 4 rigid logger truck tractor from minimum of 2 or 3 logger trailer (pub) • Three wheel logger for Loading		
Proof of Equipments • The Bidder has to indicate the possession of the required handling equipment (three wheel logger or Selfloading 6x4 rigid truck mounted with crane), trailers and trucks and loading equipment through the eNatis document namely RCI or LCO. in case the three wheel logger is been exempted from traffic authorities, the copy of		

originals manafuatures documents or proof of purchase of the equipments should be attached to validate the proof ownership of this equipment. • The eNatis document namely RCI or LCO or proof of purchase of fleet by means of temporary ematis document, affidavits will be used to validate the ownership, the Bidder is required to attached this document failure to do will lead to Bidder being disqualified. In case the Bidder has leased the handling equipment and fleet of trucks, lease or rental agreement should be attached and failure to attach the lease agreement will lead to Bidder disqualified.		
Current Fleet Commitment The service provider that has existing transport orders with SAFCOL and not yet completed, need to submit the fleet capacity of trucks and three wheel loggers that are not currently in use on the existing transport orders, on this RFQ failure to disclose this will lead to disqualification. Please attach the fleet capacity that is not the same as the one used in existing orders.		

PHASE 3: Local Content Evaluation

Bidders who do not meet the minimum stipulated threshold as per the below table , will not be considered for further evaluation

Where bidders are required to stipulate their own local content declaration , they will not be penalised during evaluation

Component	Value (total as per quote)	Local content threshold %	Declaration by bidder	Imported	Total claim by SAFCOL
Labour		100%	100%		
PPE		100%	100%		
Machinery		Declared by bidder			
Other (Specify)		Declared by bidder			

Phase 4: Price and Preference Points Evaluation

Only bids that achieve minimum qualifying score for Functionality, Evaluation and Price will be evaluated further for price and preference points B-BBEE Evaluation.

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

2.2.1.1

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1 GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- *the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and*
- *the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).*

1.2

- a) The value of this bid is estimated to **not exceed** R50 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- a) Price; and
- b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2 DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;

- 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
- 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) “**QSE**” means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3 POINTS AWARDED FOR PRICE

3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20

or

90/10

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

$P_{\min}$ = Price of lowest acceptable bid

4 POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations 2017, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5 BID DECLARATION

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

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

6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7 SUB-CONTRACTING

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

(*Tick applicable box*)

YES		NO	
-----	--	----	--

7.1.1 If yes, indicate:

- 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		

8 DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES	
1.	
2.	

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

Declaration of Interest SBD 4

1 Declaration of interest

1.1 Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where:

1.1.1 The bidder is employed by the state; and/or

1.1.2 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) _____

2.4 Company registration number _____

2.5 Tax reference number _____

2.6 VAT registration number _____ 2.6.1

The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

“State” means:

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

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

2.7 Are you or any person connected with the bidder presently employed by the state? YES / NO

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: _____

Name of state institution at which you or the person connected to the bidder is employed: _____

Position occupied in the state institution: _____

Any other particulars:

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? YES /NO

2.7.2.1 If yes, did you attached proof of such authority to the Bid document? YES / NO

(NOTE Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.)

2.7.2.2 If not, 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 other particulars:

2.9 Do you, or any person connected with the bidder, have **YES / NO**
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?

2.9.1 If so, furnish other particulars: _____

2.10 Are you, or any person connected with the bidder, **YES/NO**
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?

2.10.1 If so, furnish other particulars:

2.11 Do you or any of the directors / trustees / shareholders / members **YES/NO**
of the company have any interest in any other related companies
whether or not they are bidding for this contract?

2.11.1 If so, furnish other particulars:

3. Full details of directors / trustees / members / shareholders

Full name	Identity number	Personal tax reference number	State employee number / Persal number

4. Declaration

I, the undersigned (name) _____ certify that the information furnished in paragraphs 2 and 3 above is correct.

I accept that the State may reject the bid or act against me in terms of paragraph 23 of the GCC should this declaration prove to be false.

Signature

Date

Position

Name of bidder

9. BIDDER PERFORMANCE MEASURES

A. AGREED UPTIME

Month 1	Month 2	Month 3
80%	80%	80%

B. UPTIME PENALTY

A. AGREED UPTIME PER CUSTOMER ALLOCATION

Month 1	Month 2	Month 3
80%	80%	80%

B. UPTIME PENALTY

1. FORMULA

Rate per mode per distance applicable for the month x Actual uptime achieved
Applicable agreed uptime %

2. EXAMPLE

Assume:

Volume target agreed for Timbadola Sawmill is 2000m³ for a specific month

SH rate applicable 01-10km is R60/ m³

Volume delivered 1450.123 m³

Uptime achieved for ELB = 72.506%

SH R 60 x 0.72506 = 43.5036

80% 80%

= 54.3795

R54.38

Therefore the actual volume delivered for SH of 1450.123m³ will be paid at a rate of R54.38/m³ for Timbadola Sawmill for the applicable month

- The Bidder shall receive the monthly order which stipulate the required volume to be delivered at mill.
- The Bidder shall sign and acknowledge the order, the monthly order shall be used as base to calculate the uptime and the Bidder shall submit the daily committed number of trucks and equipments assigned daily to transporting the Timber.

NORTH REGION RATE SCHEDULE

SCHEDULE 6

Base Date: 01-May-21

Effective Date: _____

End Date: _____

R/Liter: R15,1092

Geographical and Mode preference _ Mark with "X"

	North
Area	X
	R/m3
SH	X
DTM	X
LH	X
Handling	X

Roundlog Product per area preference _Mark with "X"

	North
Pine Saw	X
Pine Pulpwood	N/A
Gum Pulpwood	N/A

Contract details

SHORTHAUL (SH)	Fuel % (At base date)	30%
	Pine	Gum
Payload used		N/A
Lead (km)	R/m³	R/ton
0-5		N/A
6-10		N/A
11-15		N/A
16-20		N/A

HANDLING (HLG)	Fuel % (At base date)	19%
	Pine	Gum
	R/m³	R/ton
Loading*		N/A
Offloading*		N/A
Depot handling*	N/A	N/A
Sorting*	N/A	N/A

*No monthly fuel adjustments - annual adjustment only

LONGHAUL (NBH)		Fuel % (At base date)	36%
Payload used	Pine		Gum
		N/A	N/A
Lead (km)	R/m³	R/ton	R/ton
0_10		N/A	N/A
11_20		N/A	N/A
21_30		N/A	N/A
31_40		N/A	N/A
41_50		N/A	N/A
51_60		N/A	N/A
61_70		N/A	N/A
71_80		N/A	N/A
81_90		N/A	N/A
91_100		N/A	N/A
101-110		N/A	N/A
111_120		N/A	N/A
121_130		N/A	N/A
131_140		N/A	N/A
141_150		N/A	N/A
151-160		N/A	N/A
161_170		N/A	N/A
171_180		N/A	N/A
181_190		N/A	N/A
191_200		N/A	N/A

Notes

All transport rates exclude handling (e.g. loading, depot handling, offloading and sorting)

All rates exclude VAT

NBH means LH with no Backhaul (no return load)

NB: All yellow shaded areas must be populated for evaluation purposes

SBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

This Standard Bidding Document (SBD) must form part of all Bids¹ invited.

1. 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.
2. 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:
 - 2.1 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.
 - 2.2 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.
3. 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.
4. In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

the undersigned, in submitting the accompanying bid:

(Bid number and description)

in response to the invitation for the bid made by:

(Name of institution)

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.

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 authorised 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 authorised 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 organisation, 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.

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.

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.
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