

TENDER No.:	TIA 009/2017
DESCRIPTION:	<b>Provision of Gas Requirements at Bioprocessing and National Genomics Platforms at 28 Wharhirst Road, Umbogintwini Industrial Complex, 1 Dickens Road, Umbogintwini, 4120; Amanzimtoti; and 5 Walnut Road, Smart Xchange Building, First Floor of the Atrium, Durban Central, 4001</b>
MANDATORY BRIEFING SESSION:	No briefing session will be held.
CLOSING TIME AND DATE	<i>15 May 2017 at 11:00</i> No late tenders will be accepted
DELIVERY DETAILS:	<b>1 X original and 3 copies of proposals must be handed in at reception, TIA House, 83 Lois Avenue, Menlyn, Pretoria</b> in a sealed envelope, clearly stating the reference number, name of the proposal and company name submitting the proposal. Failure to comply might render the tender to be rejected on the basis of being incomplete. Price Proposal must be in a sealed separate envelope clearly stating the reference number, name of the proposal and company name submitting the proposal.
REQUIRED TENDER VALIDITY:	120 days
CONTACT PERSON:	Mandisa Pitso ( <a href="mailto:mandisa.pitso@tia.org.za">mandisa.pitso@tia.org.za</a> )
DURATION OF CONTRACT	For a period not exceeding three (3) years, based on performance and requirements

## **Terms of Reference**

### **Bioprocessing Platform Gas Requirements**

#### **1. Introduction and Background**

The Technology Innovation Agency (TIA) Bioprocessing Platform, incorporating the Institute of Diagnostics Research (IDR), and the National Genomics Platform (NGP) are Technology Platforms that are envisaged to lower the barriers for innovators and researchers in the National System of Innovation (NSI) to engage in technology innovation. The Bioprocessing Platform and NGP deliver technical and infrastructural support to TIA funded and non-TIA funded entities; and provide high throughput genomic research technologies and expertise to researchers, respectively, thereby leading to the development and/or improvement of products, services and processes. Industrial and Specialty gas products are therefore a key requirement to service such functions.

#### **2. Services Required**

##### **2.1 Bioprocessing Platform**

The Bioprocessing Platform requires that the identified supplier is ISO 9001/SANAS compliant and that all work performed is done in accordance with the Occupational Health and Safety Act (Act 85 of 1993), with attention given to the safety standards listed in Vessels Under Pressure Regulations. The identified supplier is required to provide the following services:

###### **2.1.1 General Gases**

2.1.1.1 Supply of specified gases as stipulated in Table 1.

2.1.1.2 Maintenance/replacement of gas-lines if and when required.

2.1.1.3 Supply and servicing of gas regulators as required.

###### **2.1.2 Specialty Gases**

2.1.2.1 Liquid Nitrogen

2.1.2.2 Supply and maintenance of cryogenic maxi tank (800 L) for onsite storage of liquid nitrogen.

2.1.2.3 Regular re-filling ("top-ups") of the maxi tank such that liquid nitrogen levels do not drop below the desired minimum level as specified by the platform, i.e. 30%.

2.1.2.4 A means of remotely monitoring the liquid nitrogen level such that the service provider knows the level of liquid nitrogen in the tank at any point in time and can schedule re-fills without having to rely on the Platform routinely submitting information.

Table 1: Gas Cylinders Required

Platform	Gas	Cylinder Size	Expected No. of cylinders ordered annually	Price Year 1	Price Year 2	Price Year 3
Bioprocessing	LPG	48 kg	2			
	CO <sub>2</sub> (Dip Tube)	31.5 kg	1			
	Mixtures (CO <sub>2</sub> & O <sub>2</sub> )	50 L	1			
	Hydrogen (high purity)	0.62 kg	7			
	Nitrogen (high purity)	9.3 kg	7			
	Mixtures (21% O <sub>2</sub> in N <sub>2</sub> )	9.8 kg	7			
	Acetylene	8.6 kg	5			
IDR	CO <sub>2</sub> 4.5 (high purity)	31.5 kg	18			
	CO <sub>2</sub> (Liquid)	31.5 kg	1			
	LPG	19 kg	3			

Table 2: Special Gas Requirements

Platform	Gas	Cylinder Size	Expected No. of top-up refills annually	Price Year 1	Price Year 2	Price Year 3
IDR	Liquid nitrogen	600 kg/ 800 L	3/month i.e. 36/year			

## 2.2 National Genomics Platform

The NGP requires that the identified supplier is ISO 9001/SANAS compliant and that all work performed is done in accordance with the Occupational Health and Safety Act (Act 85 of 1993), with attention given to the safety standards listed in Vessels Under Pressure Regulations. The identified supplier is required to provide the following services:

### 2.1.1 General Gases

- 2.1.1.1 Supply of specified gases as stipulated in Table 3.
- 2.1.1.2 Maintenance/replacement of gas-lines if and when required.
- 2.1.1.3 Supply and servicing of gas regulators as required.

Table 3: General Gas Requirements

Platform	Gas	Cylinder Size	Expected No. of cylinders ordered annually	Price Year 1	Price Year 2	Price Year 3
NGP	Compressed Nitrogen (10 L water capacity)	1.4 kg	3			
	Wet CO <sub>2</sub>	30 kg	1			

## 3 Required from Supplier

- 3.1 A company profile indicating
  - 3.1.1 Portfolio of gas products
  - 3.1.2 Names of laboratory customers current and previous
  - 3.1.3 Contactable references.
- 3.2 The supplier is expected to quote prices inclusive of delivery and VAT on all the requirements indicating applicable prices over a 3-year period.
- 3.3 For Tables 1, 2 and 3 above, suppliers are also expected to quote on rental of the cylinders over the 3-year period.

#### 4 Duration

- 4.1 The services will be required for a period of three years.
- 4.2 The successful provider will be expected to enter into a signed Service Agreement.

#### 5 Evaluation

##### 5.1 First Stage: Functionality/Technical Evaluation

Submissions will be evaluated for functionality based on the below criteria:

Category	Weight	Max Score
Demonstrate experience in supplying and servicing of gas regulators. 5=15 years and over; 4= 11-14 years; 3= 6-10 years; 2= 5 years; 1 = less than 5 years	0.25	5
Demonstrate a proven track record in supplying and servicing of gas regulators. (supply reference letters of previous/current clients) 5= 6 or more references; 4= 5 references; 3= 4 references; 2 = 3 references; 1= 2 or less.	0.25	5
Supply and maintenance of specified gases as stipulated in Table 1 & 2. 5 = supplies all specified gases; 3= supplies most specified gases; 0= supplies limited or no specified gases.	0.3	5
Delivery lead times 5 = 1 day lead time; 3 = 2-3 days lead time; 0 = 4 or more days lead time	0.2	5
<b>Total weighted score/Maximum Possible Score</b>	<b>1</b>	<b>5</b>
<b>Minimum Threshold</b>	<b>70%</b>	

## 5.2 Second stage evaluation in terms of 80/20

Categories	Points
1. Bid Price	80
2. Points awarded for B-BBEE Status Level	20
<b>Total points</b>	<b>100</b>

## 6 LOCATION OF PLATFORMS

The Platforms are located as follows:

Bioprocessing Platform: 28 Wharhirst Road, Umbogintwini Industrial Complex, 1 Dickens Road, Umbogintwini, 4120; Amanzimtoti, Durban

National Genomics Platform: 5 Walnut Road, Smart Xchange Building, First floor of the Atrium, Durban Central, 4001

## 7 MANDATORY REQUIREMENTS

1. Registration on Central Supplier Database (CSD) with a compliant tax status
2. Complete the attached Standard Bidding Documents: SBD 4, SBD 6.1, SBD 8 & SBD 9 (The SBD's must be fully completed and signed)

**NB: paragraph 2.8/ 2.8.1** requires the Bidders (in the capacity of Company, Directors, shareholders, trustees spouse etc.) to declare businesses conducted with the state in the previous 12 months.

## 8 ENQUIRIES

Enquiries must be directed to **mandisa.pitso@tia.org.za**

## 9 SUBMISSION OF PROPOSALS

The proposal (clearly marked: **TIA009/2017: Provision of Gas requirements**) should be deposited into the tender box at the following address:

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**Regional Offices:** KwaZulu-Natal • Western Cape  
**Website:** [www.tia.org.za](http://www.tia.org.za)

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83 Lois Avenue  
Cnr Lois Avenue and Atterbury Road  
Menlyn, Pretoria  
Tel: (012) 472 2700

**NB: Closing date and time: 15 May 2017 at 11:00**

## **10 PACKAGING REQUIREMENTS**

**Technical envelope:** Four copies of each proposal must be submitted, including the original. In the event of a contradiction between the submitted copies, the original shall take precedence. Telegraphic, telefax and e-mail proposals will not be accepted. (Failure to comply with this condition will invalidate the bid).

**Pricing envelope:** Pricing proposal to be placed in a separate envelope.

If a courier service company is being used for delivery of the proposal document, the RFP description must be endorsed on the delivery note/courier packaging to ensure that documents are delivered to the correct recipient, as mentioned above.

## **11 GENERAL TERMS AND CONDITIONS**

The Respondent is responsible for all costs incurred in the preparation and submission of the proposal.

A copy/s of any affiliations, memberships and/or accreditations that support your submission must be included in the proposal.

Kindly note that TIA is entitled to:

- a) Amend any RFP conditions, validity period, specifications, or extend the closing date and/or time of RFPs before the closing date. All Respondents, to

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whom the RFP documents have been issued, will be advised in writing of such amendments in good time;

- b) Verify any information contained in a proposal;
- c) Not to appoint any bidder;
- d) Vary, alter, and/or amend the terms of this RFP, at any time prior to the finalisation of its adjudication hereof;
- e) An omission to disclose material information, a factual inaccuracy, and/or a misrepresentation of fact may result in the disqualification of a proposal, or cancellation of any subsequent contract.
- f) TIA reserves the right not to accept the lowest proposal or any proposal in part or in whole. TIA will award the contract to the Bidder who proves to be fully capable of handling the contract and whose Proposal is technically acceptable and/or financially advantageous to TIA. Appointment as a successful contractor shall be subject to the parties agreeing to mutually acceptable contractual terms and conditions. In the event of the parties failing to reach such agreement within 30 days from the appointment date, TIA shall be entitled to appoint the contractor who was rated second, and so on.
- g) TIA also reserves the right to award this RFP as a whole or in part without furnishing reasons.
- h) TIA also reserves the right to cancel or withdraw from this RFP as a whole or in part without furnishing reasons and without attracting any liability.



## 12 Pricing Schedule

Name of Bidder: .....

Offer to be valid for 120 days from closing date of bid.

### Please note the following:

**NB:** Pricing proposal to be separate from the technical proposal. Prices should be VAT inclusive

Table 4: Gas Cylinders Required (Bioprocessing)

Platform	Gas	Cylinder Size	Expected No. of cylinders ordered annually	Price Year 1	Price Year 2	Price Year 3
Bio-processing	LPG	48 kg	2			
	CO <sub>2</sub> (Dip Tube)	31.5 kg	1			
	Mixtures (CO <sub>2</sub> & O <sub>2</sub> )	50 L	1			
	Hydrogen (high purity)	0.62 kg	7			
	Nitrogen (high purity)	9.3 kg	7			
	Mixtures (21% O <sub>2</sub> in N <sub>2</sub> )	9.8 kg	7			
	Acetylene	8.6 kg	5			
IDR	CO <sub>2</sub> 4.5 (high purity)	31.5 kg	18			
	CO <sub>2</sub> (Liquid)	31.5 kg	1			
	LPG	19 kg	3			

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Table 5: Special Gas Requirements (Bioprocessing)

Platform	Gas	Cylinder Size	Expected No. of top-up refills annually	Price Year 1	Price Year 2	Price Year 3
IDR	Liquid nitrogen	600 kg/800 L	3/month i.e. 36/year			

Table 6: General Gas Requirements (NGP)

Platform	Gas	Cylinder Size	Expected No. of cylinders ordered annually	Price Year 1	Price Year 2	Price Year 3
NGP	Compressed Nitrogen (10 L water capacity)	1.4 kg	3			
	Wet CO <sub>2</sub>	30 kg	1			

**NB: Bidders are required to indicate full costs. A separate package breakdown may be attached if required.**

## SBD 4

### DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

2.1 Full Name of bidder or his or her representative:  
.....

2.2 Identity ..... Number:  
.....

2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>):  
.....

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.

<sup>1</sup>“State” means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance

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- 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.

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

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

2.7.1 If so, furnish the following particulars:

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

.....

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

.....

Position occupied in the state institution:

.....

Any other particulars:

.....

.....

.....

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

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

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

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....

.....

.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

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

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 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 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 particulars:

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

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

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


#### 4 DECLARATION

I, \_\_\_\_\_ THE \_\_\_\_\_ UNDERSIGNED  
(NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3  
ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME  
IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF  
CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

## SBD 6.1

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

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

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

#### 1. GENERAL CONDITIONS

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

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

1.2

- a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the ..... 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	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
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

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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

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

**80/20**

**or**

**90/10**

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

**or**

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

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

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

#### 4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

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

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

#### 5. BID DECLARATION

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

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

- 6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

#### 7. SUB-CONTRACTING

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

(***Tick applicable box***)

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

7.1.1 If yes, indicate:

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

## 8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation

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- ☐ Company
  - ☐ (Pty) Limited
- [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

.....

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
  - ☐ Supplier
  - ☐ Professional service provider
  - ☐ Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

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

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution.

WITNESSES

1. ....
2. ....

.....  
SIGNATURE(S) OF BIDDERS(S)

DATE: .....

ADDRESS .....

.....

.....

## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
  - a. abused the institution's supply chain management system;
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?  <b>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</b></p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?  <b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		

4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

**SBD 8**

### **CERTIFICATION**

**I, THE UNDERSIGNED (FULL NAME).....  
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION  
FORM IS TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT,  
ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE  
TO BE FALSE.**

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> 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:

**<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.**

**<sup>2</sup> 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)

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

#### **SBD 9**

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

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

## SBD 9

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

.....

.....

Signature

Date

.....

.....

Position

Name of Bidder