



**SOURCING SERVICE PROVIDER TO OFFER TECHNOLOGY INNOVATION  
AGENCY ACCESS TO TECHNOLOGY AND MARKET INTELLIGENCE AND  
RESEARCH INFORMATION**

**REFERENCE NUMBER: TIA001/2017**

**COMPANY REPRESENTATIVE AND CONTACT DETAILS:** \_\_\_\_\_

**Issue Date:** 27 January 2017

**Address:** TIA House  
83 Lois Avenue  
Menlyn  
Pretoria

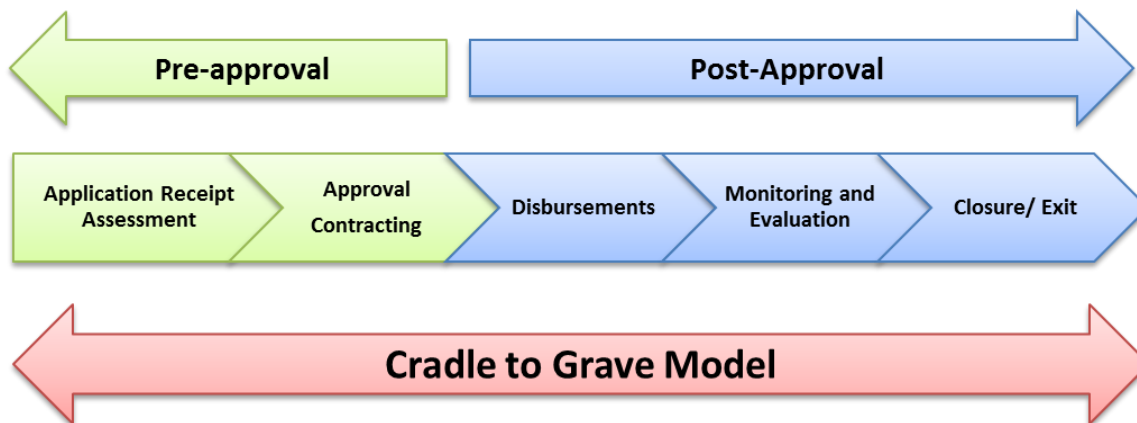
**Validity Period:** 120 Days (after closing date)

**Response Deadline:** 20 February 2017 at 11:00

**Contact Person:** [tenders@tia.org.za](mailto:tenders@tia.org.za)

## 1. BACKGROUND

- 1.1. Technology Innovation Agency (TIA, organisation) an entity of the Department of Science and Technology (DST) was established in terms of the TIA Act, 2008 (Act No. 26 of 2008), with the objective to stimulate and intensify technological innovation in order to improve economic growth and the quality of life of all South Africans by developing and exploiting technological innovations.
- 1.2. To deliver on its mandate, TIA sources, funds, support programmes and projects in the Strategic Technology Areas (STA) such as but not limited to Information and Communication Technology (ICT), Health, Agriculture, Natural Resources, Energy and Advanced Manufacturing.
- 1.3. The process for sourcing and funding applications follows the “Cradle to Grave” model. The model enables the discharging of pre-approval responsibilities from investment origination and contracting, and post-approval responsibilities of disbursements of approved funding, monitoring and exit.
- 1.4. Diagram below demonstrate the Cradle to Grave model.



- 1.5. As part of its processes within cradle to grave model, the organisation conducts detailed due diligence at pre-approval stages and monitors and evaluation of investment risks at different phases of the post-approval stages.

1.6. The due diligence process enables the organisation to thoroughly examine pertinent aspects of the proposed investment and make an informed decision.

1.7. Due diligence activities conducted by TIA includes the following but are not limited to:

1.7.1 Technology Innovation: uniqueness of the technology, technical risks and scalability and, technology readiness levels;

1.7.2 Intellectual Property: novelty opinion (prior art), freedom to operate;

1.7.3 Commercialisation: market, industry and competitor analysis;

1.7.4 National Impact: job creation, export and import opportunities;

1.7.5 Legal structure and agreements: applicable legislation, local and international partnership, historic and current litigation, shareholders, regulations, license and manufacturing agreements

1.7.6 Financial Model: financial structure and projections and;

1.7.7 Team: Skills set of applicants and required competency for implementation of the project.

## **2. PURPOSE OF REQUESTING SUBMISSION OF PROPOSAL**

2.1 TIA aims to source a service provider or consortium of partners who will be able to provide the organisation with technology and market intelligence and research information that will enable the organisation to effectively and efficiently execute its due diligence activities.

2.2 The areas of interest pertaining to this tender are, but not limited to:

2.2.1 Market Intelligence: Current and up to date market and industry intelligence information, market forecast and industry analysis;



- 2.2.2 Industry Intelligence: Industry trends, new product development and registration;
  - 2.2.3 Patent watch: Patent registration tracking and expected patent lapsing period;
  - 2.2.4 Clinical trial database: registered, completed and unsuccessful clinical trials and regulatory watch and;
  - 2.2.5 Technology Currency: upcoming and disruptive technologies
- 2.3 The required technology and market intelligence and research information should be provided through an online portal which can be accessed by TIA employees and partners on-site and off-site.

### **3 SCOPE OF WORK**

- 3.1 The scope of work for the required technology and market intelligence and research reports services includes:
- 3.1.1 Offering of global, regional coverage and currency of information that is not older than 3 months and/ or is updated in not less than 3 months
  - 3.1.2 Service provider that has more than 15 years providing technology and market intelligence and research information in economic sectors such as but not limited to Agriculture, Health, Energy and Natural Resource
  - 3.1.3 Providing specific technology and market intelligence and research information that covers areas defined in section 2.2

### **4 SUBSCRIPTION**

- 4.1 TIA consist of 190 employees who should all have access to the market intelligence report and daily newsletters.

### **5 GENERAL TERMS AND CONDITIONS**

- 5.1 The Respondent is responsible for all costs incurred in the preparation and submission of the proposal.
- 5.2 A copy/s of any affiliations, memberships and/or accreditations that support your submission must be included in the proposal.
- 5.3 Kindly note that TIA is entitled to:

- 5.3.1 Amend any RFP conditions, validity period, specifications, or extend the closing date and/or time of RFP's before the closing date. All Respondents, to whom the RFP documents have been issued, will be advised in writing of such amendments in good time;
- 5.3.2 Verify any information contained in a proposal;
- 5.3.3 Not appoint any bidder;
- 5.3.4 Vary, alter, and/or amend the terms of this RFP, at any time prior to the finalisation of its adjudication hereof;
- 5.3.5 Disqualify proposals that contain an omission of disclosure of material information, that is factual inaccurate, and/or contains a misrepresentation of facts. This could also lead to the cancellation of any subsequent contracts;
- 5.3.6 Not accept the lowest proposal or any proposal in part or in whole. TIA normally awards 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 (thirty) days from the appointment date, TIA shall be entitled to appoint the contractor who was rated 2nd (second), and so on;
- 5.3.7 Award this RFP as a whole or in part without furnishing reasons;
- 5.3.8 Cancel or withdraw from this RFP as a whole or in part without furnishing reasons and without attracting any liability;
- 5.3.9 The Bidder hereby offers to render all of the services described in the attached documents (if any) to TIA on the terms and conditions and in accordance with the specifications stipulated in this RFP documents (and which shall be taken as part of, and incorporated into, this proposal at the prices inserted therein);
- 5.3.10 This proposal and its acceptance shall be subject to the terms and conditions contained in this RFP document; and
- 5.3.11 The Respondent shall prepare for a possible presentation should TIA require such and the Respondent shall be notified thereof no later than 4 (four) days before the actual presentation date.

## 6 EVALUATION CRITERIA

6.1 Tender will be evaluated based on the tender response fit with the criteria requirements listed below.

Evaluation Criteria	Weight	Maximum Score
<p>1. Technology and market intelligence and research information that contains all aspects listed below</p> <p>1.1. <u>Market Intelligence</u>: Current and up to date market and industry intelligence information, market forecast and industry analysis</p> <p>1.2. <u>Industry Intelligence</u>: Industry trends, new product development and registration</p> <p>1.3. <u>Patent watch</u>: Patent registration tracking and expected patent lapsing period</p> <p>1.4. <u>Clinical trial database</u>: registered, completed and unsuccessful clinical trials and regulatory watch</p> <p>1.5. <u>Technology Currency</u>: upcoming and disruptive technologies</p> <p><b>(5)</b> = Contains all of aspects listed above  <b>(4)</b> = Contains four of aspects listed above  <b>(3)</b> = Contains three of aspects listed above  <b>(2)</b> = contains two of aspects listed above  <b>(1)</b> = Contains one of aspects listed above  <b>(0)</b> = does not contain aspects listed above</p> <p><b><i>Please provide a sample of technology and market intelligence report containing aspects in 1.1 – 1.5</i></b></p>	<p><b>40</b></p>	<p><b>5</b></p>

<p>2. Technology and market intelligence and research information covering Technology Innovation Agency funded economic sectors agriculture, health, ICT, natural resource (mining and minerals, water resources and environmental sustainability), advanced manufacturing and energy and, subsectors</p> <p>(5) = Covers all TIA sectors and subsectors  (4) = Covers 5 of TIA sectors and subsectors  (3) = Covers 4 of TIA sectors and subsectors  (2) = Covers 3 of TIA sectors and subsectors  (1) = Covers 2 of TIA sectors and subsectors  (0) = Covers 1 of TIA sectors or nothing and, subsectors</p> <p><b>Bidder must provide a list of sectors and subsectors that it covers.</b></p>	<p>30</p>	<p>5</p>
<p>3. Number of years of services offered in sourcing technology and market intelligence and research information including global, regional coverage and currency of such information, in economic sectors such as but not limited to Agriculture, Health, Natural Resource, Energy</p> <p>(5) = 15 years and above, providing technology and market intelligence and research information in economic sectors such as but not limited to Agriculture, Health, Natural Resource, Energy  (4) = 12 years and above providing technology and market intelligence and research information in economic sectors such as but not limited to Agriculture, Health, Natural Resource, Energy  (3) = 9 years and above providing technology and market intelligence and research information in economic sectors such as but not limited to Agriculture, Health, Natural Resource, Energy  (2) = 6 years and above providing technology and market intelligence and research information in economic sectors such</p>	<p>20</p>	<p>5</p>

<p>as but not limited to Agriculture, Health, Natural Resource, Energy</p> <p><b>(1)</b> = 3 years and above providing technology and market intelligence and research information in economic sectors such as but not limited to Agriculture, Health, Natural Resource, Energy</p> <p><b>(0)</b> = 1 years and above providing technology and market intelligence and research information in economic sectors such as but not limited to Agriculture, Health, Natural Resource, Energy</p>		
<p>4. Provide proof of evidence in a form of reference letters from companies or institutions in which similar technology and market intelligence and research reports or information has been provided</p> <p><b>(5)</b> = 5 reference letters provided</p> <p><b>(4)</b> = 4 reference letters provided</p> <p><b>(3)</b> = 3 reference letters provided</p> <p><b>(2)</b> = 2 reference letters provided</p> <p><b>(1)</b> = 1 reference letters provided</p> <p><b>(0)</b> = no reference letters provided</p>	<b>10</b>	<b>5</b>

<b>Total weighted score/Maximum possible score</b>	<b>100</b>	
<b>Minimum qualifying score (expressed as percentage)</b>		<b>65%</b>

<b>B-BBEE status level Contributor</b>		<b>10</b>
<b>Points for Price</b>		<b>90</b>
<b>Maximum Points</b>		<b>100</b>

## 2 MANDATORY REQUIREMENTS

2.1 Proposals will be disqualified or excluded under the following conditions:

- 2.1.1 Submission after the deadline;
- 2.1.2 Proposals submitted at incorrect location





- 2.1.3 Proposals submitted via email or fax
- 2.1.4 Service Providers not registered on Central Supplier Database ([www.csd.gov.za](http://www.csd.gov.za))
- 2.1.5 Service Providers whose tax matters are not in order AQ
- 2.1.6 Failure to submit 5 x copies including the original

### 3 DEADLINE FOR SUBMISSION

- 3.1 The request for proposal is available and can be accessed on TIA website: [www.tia.org.za](http://www.tia.org.za)
- 3.2 Proposal document that contains the Request for Proposal reference number must be submitted at Technology Innovation Agency Tender Box in sealed envelopes at 83 Lois Avenue, Atterbury Road, Menlyn. **Pricing should be in a sealed separate envelope.**
- 3.3 Proposals should be submitted at the address mentioned above no later than **20 February 2017 @ 11:00.**
- 3.4 Where proposals are not received by the TIA by the due date and time, it will not be considered as 6.1.1 above.

### 4 PERIOD OF APPOINTMENT

- 4.1 A successful bidder will be subject to the signing of a contractual agreement with TIA for a period of 36 months (3 years), subject to performance measures.



**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 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:

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

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid?

**YES / NO**

2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

**YES/NO**

2.10.1 If so, furnish particulars.

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

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies **YES/NO**





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 2011**

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, 2011.**

**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 R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the.....system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

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

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

**POINTS**

**1.3.1.1 PRICE** .....

**1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION** .....





**Total points for Price and B-BBEE must not exceed 100**

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5. 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**

2.1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic

Empowerment Act;

2.4 “**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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;

2.5 “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

2.6 “**comparative price**” means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;

2.7 “**consortium or joint venture**” 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;

2.8 “**contract**” means the agreement that results from the acceptance of a bid by an organ of state;

2.9 “**EME**” means any enterprise with an annual total revenue of R5 million or less .

2.10 “**Firm price**” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;

2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid

documents, of a service or commodity that is designed to be practical and useful, working or

operating, taking into account, among other factors, the quality, reliability, viability and durability of a

service and the technical capacity and ability of a bidder;

2.12 **“non-firm prices”** means all prices other than “firm” prices;

2.13 **“person”** includes a juristic person;

2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at

the time of bid invitations, and includes all applicable taxes and excise duties;

2.15 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;

2.16 **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good

Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based

Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February

2007;

2.17 **“trust”** means the arrangement through which the property of one person is made over or

bequeathed to a trustee to administer such property for the benefit of another person; and



2.18 “**trustee**” means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

### **3. ADJUDICATION USING A POINT SYSTEM**

3.1 The bidder obtaining the highest number of total points will be awarded the contract.

3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;.

3.3 Points scored must be rounded off to the nearest 2 decimal places.

3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.

3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.

3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

### **4. POINTS AWARDED FOR PRICE**

#### **4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

**80/20 or 90/10**

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

Where

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

$P_t$  = Comparative price of bid under consideration

$P_{\min}$  = Comparative price of lowest acceptable bid

## 5. Points awarded for B-BBEE Status Level of Contribution

5.1 In terms of Regulation 5 (2) and 6 (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	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.

5.4 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.

5.5 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.



5.6 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.

5.7 A person 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 capability and ability to execute the sub-contract.

5.8 A person awarded a contract may not sub-contract 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 than the person concerned, unless the

contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

## 6. BID DECLARATION

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

## 7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

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



(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

**8 SUB-CONTRACTING**

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

(i) what percentage of the contract will be subcontracted?  
.....%

(ii) the name of the sub-contractor?  
.....

(iii) the B-BBEE status level of the sub-contractor?  
.....

(iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

**9 DECLARATION WITH REGARD TO COMPANY/FIRM**

9.1 Name of company/firm :

9.2 VAT registration number :

9.3 Company registration number  
.....  
:

9.4 TYPE OF COMPANY/ FIRM

Partnership/Joint Venture / Consortium





- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[Tick applicable box]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION

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

[Tick applicable box]

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

.....

9.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 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 paragraph 7, 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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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. ....



.....  
SIGNATURE(S) OF BIDDER(S)

2. ....

DATE:.....

ADDRESS:.....

.....

.....

SBD 8

DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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



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

Item	Question	Yes	No
------	----------	-----	----

4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?		
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(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the audi alteram partem rule was applied).

The Database of Restricted Suppliers now resides on the National Treasury's website([www.treasury.gov.za](http://www.treasury.gov.za)) and can be accessed by clicking on its link at the bottom of the home page.

Yes

No

4.1.1 If so, furnish particulars:

4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?		
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The Register for Tender Defaulters can be accessed on the National Treasury's website ([www.treasury.gov.za](http://www.treasury.gov.za)) by clicking on its link at the bottom of the home page.

Yes

No

4.2.1 If so, furnish particulars:



4.3 Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?

Yes

No

4.3.1 If so, furnish particulars:

4.4 Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?

Yes

No

4.4.1 If so, furnish particulars:

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

SBD 9

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.

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

#### 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