



TENDER NUMBER: TIA005/2019

INVITATION TO TENDER FOR PROVISION OF SECURITY SERVICES AT TECHNOLOGY INNOVATION AGENCY (TIA), 83 LOIS AVENUE, MENLYN IN PRETORIA

BID COMPANY REPRESENTATIVE AND CONTACT DETAILS: _____

| | |
|----------------------------------|--|
| TENDER No.: | TIA005/2019 |
| DESCRIPTION: | PROVISION OF SECURITY SERVICES AT TECHNOLOGY INNOVATION AGENCY (TIA), 83 LOIS AVENUE, MENLYN IN PRETORIA |
| BRIEFING SESSION: | 31 October 2019 at 10:00 |
| CLOSING TIME AND DATE: | 18 November 2019 at 11:00 (No late tenders will be accepted) |
| DELIVERY DETAILS: | 1 X original and 3 copies of proposals must be deposited in the tender box at reception, TIA House, 83 Lois Avenue, Menlyn, Pretoria in a sealed envelope, clearly stating the reference number, name of the proposal and company name submitting the proposal . Failure to comply might render will result the tender to be rejected based on 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. |
| TELEGRAPHIC TENDERS: | Will not be accepted |
| COURIERED TENDER: | Will be accepted |
| OPENING: | No public opening will be held. |
| REQUIRED TENDER VALIDITY: | 120 days |
| CONTACT PERSON: | mandisa.pitso@tia.org.za |
| DURATION OF CONTRACT: | For a period of (3) years with an option to renew for extra two years depending on performance |

CONTENTS

| | |
|---|-----------|
| 1. PART 1: TENDER INFORMATION, ELIGIBILITY AND DEFINITIONS | 4 |
| 1.1 TENDER INFORMATION | 4 |
| 1.2 DEFINITIONS | 5 |
| 2. PART 2: SPECIFICATIONS AND REQUIREMENTS | 6 |
| 2.1 Introduction and Background | 6 |
| 2.2 Purpose | 6 |
| 2.3 Services Required | 6 |
| 3. Personnel Requirements in Terms of Security Services | 8 |
| 4. Security Clearance of Bidders | 8 |
| 5. Presentations | 9 |
| 6. Evaluation Criteria | 9 |
| 7. Proprietary Information | 9 |
| 8. Enquiries & Responses | 10 |
| 9. Proposal Submission | 10 |
| 10. . Medium of Communication | 10 |
| 11. Verification of Documents | 10 |
| 12. Submission of RFPs | 10 |
| 13. Pricing Schedule | 11 |
| 14. General Terms and Conditions | 12 |
| 15. Eligibility for participation for prospective tenderers | 13 |
| 16. Mandatory Requirements | 15 |
| 17. Site Visit Requirements | 16 |
| 18. Project Programme | 16 |
| 19. Evaluation Criteria | 16 |
| 19.1 First Stage: Functionality/Technical Evaluation | 16 |
| 19.2 Second Stage: Evaluation in terms of (80/20) Preference Points System | 17 |
| 20 Service required | 18 |
| 21 Conditions of contract | 18 |
| 22 Personnel | 19 |



| | |
|--|-----------|
| 23 Security Aids/Equipment | 19 |
| 24 Part 3: Standard Bidding Documents (SBD) Forms | 21 |

1. Part 1: Tender information, Eligibility and Definitions

1.1 Tender Information

1.2 Definitions

- 1.2.1 “CONFIDENTIAL INFORMATION” means any TIA information, technical knowledge, including but not limited to processes, products and business, specifications, data, materials, names of suppliers, clients, purchasing and marketing action, and/or other communications of a confidential nature, either in written, graphical or other tangible form or oral or visual, relating to or useful in connection with the supply of GOODS disclosed or provided by TIA to the SUPPLIER or, which may be learned or acquired by the SUPPLIER during any examination of any information or during any negotiations and/or discussions concerning the supply of GOODS.
- 1.2.2 “CONTRACT” means the contract concluded between TIA and SUPPLIER for the supply of SERVICES.
- 1.2.3 “DAY” means a business day.
- 1.2.4 “FACSIMILIE OR FAX” means the successful dispatch by facsimile as confirmed by the sender.
- 1.2.5 “FORCE MAJEURE” means the meaning as indicated in clause 4.10.
- 1.2.6 “GOODS” means those items or services indicated in each individual Purchase Order;
- 1.2.7 “LAW” means the South African common law and statutory law. Statutory law includes rules, regulations and determinations made by any competent authority whether primary or subordinate.
- 1.2.8 “PARTIES” means TIA and SUPPLIER.
- 1.2.9 “PURCHASE ORDER” means an order that will be placed on the SUPPLIER from time to time for the purchase of the GOODS or services in terms of, or in accordance with the
- 1.2.10 CONTRACT entered into between TIA and SUPPLIER for the supply of GOODS as well as all documents incorporated by reference to ascertain the rights and obligations of the parties under the CONTRACT.



- 1.2.11 “TIA OFFICIAL” means the designated, duly authorised TIA OFFICIAL, responsible for the PURCHASE ORDER.
- 1.2.12 “TIA PREMISES” means the area indicated in the PURCHASE ORDER or the entire area in which the TIA Company conducts its activities and where the SUPPLIER is required to supply and deliver the GOODS as stipulated or indicated in the PURCHASE ORDER.
- 1.2.13 “SUPPLIER” means the party who provides the SERVICE in terms of the CONTRACT and PURCHASE ORDER.
- 1.2.14 “VAT” means Value Added Tax as levied in terms of the Value Added Tax Act, 89 of 1991, as amended from time to time.

2 Part 2: Specifications and Requirements

2.1 Introduction and Background

The Technology Innovation Agency (TIA) is an Agency of the Department of Science and Innovation, classified as Schedule 3A public entity in terms of the Public Finance Management Act 1 of 1999. It was established in terms of the Technology Innovation Agency Act 26 of 2008 with the aim to enhance the country’s capacity to translate greater proportion of local research and development into commercial technology products and services. Please visit the TIA website on www.tia.org.za for more information.

2.2 Purpose

The purpose of the bid is to invite potential qualified service providers to submit proposals for the provision of security services to TIA for a period of three years. Based on the performance of the supplier the contract may be extended for additional two years at the end of the third year.

2.3 Services Required

2.3.1 Services of PSIRA accredited trained and experienced security personnel are required to perform security duties at the premises occupied by TIA at TIA House, 83 Lois Avenue, Menlyn. The security services shall be provided on the property of TIA and shall in general entail the following:

- patrolling of premises using security clocking point system that will produce a printed weekly report;
- access control;
- Screening / Scanning of personnel / vehicles;
- Assets monitoring;
- personnel and members of the public escorted where required; and
- protection from and/ or to buildings and general crime prevention measures as agreed upon.

2.3.2 The specific duties of security personnel in respect of the premises shall be as described in the specific duties of security personnel and Standing Operating Procedures (SOP's) of the Agency. These SOP's setting out the specific duties of the preferred bidder's security personnel shall be compiled by the preferred bidder at least 1 week before the security services commence. This SOP's may be amended from time to time, with the agreement of both parties.

2.3.3 The purpose of access control is to prevent unauthorised access of people, vehicles and prohibit bringing in of any dangerous objects onto TIA property to safeguard people, the property and the premises. This is to ensure the safeguarding of premises, people, vehicles and contents of the building, the bidder must do this in terms of the following acts:

- i. Private Security Industry Regulation Act 56 of 2001.
- ii. The application of the Control of Access to Public Premises and Vehicle Act, 1985, Section 2, 3 and 4.
- iii. The Criminal Procedure Act, Act 51 of 1977, Section 20, 23(b) (as amended in the Criminal Procedure Amendment Act, 33 of 1986)



Section 24, 29 and 42 (as amended in the Amendment of the Criminal Law Amendment Act, 59 of 1983) as well as Section 46, 49, 50 and 51.

- iv. Section 13 of the Constitution regarding violations must be avoided.
- v. The Firearms Control Act 60 of 2000, section 10, 34, 90 and 106.
- vi. Protection of Information Act 84 of 1982.
- vii. Trespass Act 6 of 1959.
- viii. Occupational Health and Safety Act 85 of 1993.

2.3.4 Other services may include but not limited to:

- 3.4.1.1 CCTV monitoring and investigation.
- 3.4.1.2 Patrol guards on the premises and reporting irregularities.
- 3.4.1.3 Offsite armed response and routing supervisor site inspection.

3 Personnel required in terms of security services

3.1 The scope of services shall include without limitation the following:

- 3.1.1 Day shift staff: three (3) male x Grade C and one (1) female x Grade C security staff.
- 3.1.2 Night shift staff: three male (3) x Grade C staff.
- 3.1.3 The total number of staff members required is seven (7) excluding the relief personnel.
- 3.1.4 All security staff shall be trained and knowledgeable about TIA procedures, staff and Standard Operating Procedures (SOP).

4 Security clearance of bidders

The following security checks will be conducted prior to awarding of this contract:

- relevant security clearance.
- If the security company is legible and accredited by PSIRA to provide security services



- Verification with National Treasury database whether the bidder is listed on the **List of Restricted Suppliers** and **Register for Tender Defaulters**.
- If the company is registered with SASSETA.

5 Presentations

- 5.1 TIA reserves the right to invite bidders for presentations before the award of the bid if necessary.
- 5.2 TIA may decide to have compulsory presentations made by all bidders who have obtained at least 70% of the points for functionality.
- 5.3 If the date of the presentation meeting is not indicated in the bid document, at least three days before the presentation, a notice will be given to bidders required to attend a presentation as well as the address of the venue for the presentation.
- 5.4 Presentations shall not affect the points awarded for functionality.

6 Evaluation criteria

Bidders should be registered with Private Security Industrial Regulation Authority (PSIRA) and should submit a list of at least three reference letters from your previous clients on their company letter head and the contact person with their phone number. Bids will be evaluated based on evaluation criteria on page 17.

7 Proprietary information

TIA considers this Request for Proposal (RFP) and all related information, either written or verbal, which is provided to the Bidder, to be proprietary to TIA. It shall be kept confidential by the Bidder and its officers, employees, agents and representatives.

The Bidder shall not disclose, publish, or advertise this specification or related information in part or as a whole to any third party without the prior written consent of TIA. This applies, regardless of whether the recipient of this RFP responds with a proposal or not.

8 Enquiries & responses

All communication and attempts to solicit information of any kind relative to this bid should be submitted in writing to mandisa.pitso@tia.org.za with “TIA005/2019”: Provision of security services to Technology Innovation Agency (TIA), 83 Lois Avenue, Menlyn” as the subject.

9 Proposal submission

The bidder shall submit a cover letter addressing the proposal package to Technology Innovation Agency with the following:

- a. A valid BEE scorecard.
- b. Completed SBD 1, SBD 4, SBD 6, SBD 8 and SBD 9 forms as attached.
- c. Pricing schedule as attached.

10 Medium of communication

All documentation submitted in response to this RFP must be in English.

11 Verification of documents

Respondents should check the numbers of the pages to ensure that none are missing or duplicated. No liability will be accepted by TIA about anything arising from the fact that pages are missing or duplicated.

12 Submission of RFPS

The proposal clearly marked: **TIA005/2019** should be deposited into the tender box at the following address:

83 Lois Avenue



Corner Lois Avenue and Atterbury Road

Menlyn, Pretoria

Tel: (012) 472 2700

It is the responsibility of the prospective supplier to ensure that the proposal is deposited at the above address before **18 November 2019 at 11:00**.

1 x Original and 3 x copies of each proposal must be submitted. 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.

If a courier service company is 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.



13 Pricing Schedule:

Please note the following:

- Monthly fees should be all inclusive of VAT and escalations if applicable.
- **Please ensure that the pricing schedule is submitted in a separate sealed envelope marked: TIA005/2019**

| | | |
|--|--|--------|
| Name of Bidder: Offer to be valid for 120 days from closing date of bid. | | |
| | | |
| Security service as per 12-hour shifts | 4 X Grade C personnel Day shift: 06H00 – 18H00 Per shift | R..... |
| | 3 X Grade C personnel Night shift 18H00 – 06H00 | R..... |
| | Holidays and weekends rates per guard | R..... |
| Other costs | Estimate annual PSIRA adjustments cost | R..... |
| Total (all inclusive) | Total (all inclusive) | R..... |



14 General terms and conditions

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

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

Kindly note that TIA is entitled to:

- 14.1 TIA reserve right to discontinue and cancel this advert and process under its own discretion.
- 14.2 Amend any RFP conditions, validity period, specifications, or extend the closing date and/or time of RFP before the closing date. All bidders, to whom the RFP documents have been issued, will be advised in writing of such amendments in good time.
- 14.3 Verify any information contained in a proposal.
- 14.4 Not to appoint any bidder.
- 14.5 Vary, alter, and/or amend the terms of this RFP, at any time prior to the finalisation of its adjudication hereof.
- 14.6 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.
- 14.7 TIA reserves the right not to 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.
- 14.8 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.



- 14.9 TIA also reserves the right to award this RFP as a whole or in part without furnishing reasons.
- 14.10 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.
- 14.11 The bidder hereby offers to render all 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).
- 14.12 This proposal and its acceptance shall be subject to the terms and conditions contained in this RFP document.
- 14.13 The bidder shall prepare for a possible presentation should TIA require such and the bidder shall be notified thereof no later than 4 (four) days before the actual presentation date.

15 Eligibility for participation for prospective tenderers

- 15.1 The tenderer must be an established business entity with premises from which he operates and the necessary management skills with experience in managing a professional operation and compliance with the private security industrial regulatory authority (PSIRA).
- 15.2 The Tenderer must have resources to provide manpower to the project on a full-time basis and shall use only qualified, trained and experienced security personnel.
- 15.3 The Tenderer must have the necessary security equipment, adequate technical systems and understanding of the process to be able to deal with all the challenges of the project of this magnitude.
- 15.4 The tenderer must be accredited / qualified by the Private Security Industrial Regulatory Authority (PSIRA) to supply goods and services as considered.
- 15.5 TIA will exclude the following suppliers from its procurement if:
 - 15.5.1 The supplier is not registered with relevant industry body.
 - 15.5.2 There is a conflict of interest between the supplier and TIA as determined at the discretion of TIA.



- 15.5.3 The supplier has been placed in liquidation, sequestration, business rescue and/or curatorship.
 - 15.5.4 The supplier has embarked on litigation against TIA or any of its employees.
 - 15.5.5 The supplier has been blacklisted by any credit bureau, government department or any local authority.
 - 15.5.6 The supplier has a poor credit rating as determined by TIA in its sole discretion.
 - 15.5.7 The supplier has a criminal conviction.
 - 15.5.8 The supplier is considered by TIA not to be suitable to undertake the work concerned.
 - 15.5.9 The supplier failed to submit to TIA an original tax clearance certificate and proof of vat registration from the South African revenue service (“SARS”) certifying that the taxes of the supplier are in order or that suitable arrangements have been made with SARS. the supplier acted in a fraudulent manner or in bad faith or in any other improper manner in their dealings with TIA.
- 15.6 Submitted tenders will be assessed on the following, but not limited to:
- a) Technical ability.
 - b) Competence and profile of key personnel.
 - c) Experience in similar matters.
 - d) Black economic empowerment imperatives and commitments.
 - e) Competitive pricing.
 - f) Understanding of the TIA environment.

16 Mandatory requirements

Failure to comply with the mandatory requirements will result into disqualification of the Bid:

- a. Tax Compliant Status on CSD by the time we appoint.
- b. Completed SBD 1, SBD 4, SBD 9, SBD 6.1 and SBD 8 forms as attached.
- c. Pricing schedule as attached.
- d. Registration on the Central Supplier database. Registration can be done online from www.treasury.gov.za under “Supplier registration”.
- e. Valid and Certified copy of PSIRA Certificate.

- f. Valid and Certified copy of Unemployment Insurance Fund (UIF).
- g. Valid and Certified copy of Compensation for Occupational Injuries and Disease Act (COIDA).
- h. Valid and Certified copy of Provident Fund.
- i. Proof of registration of the company with PSIRA (Valid and certified copy of the certificate).
- j. Proof of registration of the company directors / owners with PSIRA (Valid and certified copy of the certificate).
- k. Proof of registration of the company directors / owners with SASSETA (Valid and certified copy of the certificate).
- l. Provide details of the location of existing Security Operation Centre with equipped security control room in Gauteng.
- m. 1 X Original and 3 X Copies

17. Site Visits requirements:

Unscheduled site visits will be conducted with bidders who met the minimum qualifying score of 70%. If any of the following requirements are missing during the site visit, the bidder will be disqualified:

- Working base radio;
- Landline telephone and cell phone;
- Patrol cars;
- Control room operators (24/7 manned); and
- Security clocking point system that will produce printed weekly reports.

17.1 Failure to contact the guards in one of the bidder's site using radio and telephone communication will result in a disqualification.

18. Project Programme

The Project Programme, as currently envisaged, incorporates the following key dates:

| DATE | ACTIVITY |
|----------------------------|---------------------------|
| Briefing Sessions | 31 October 2019 at 11:00 |
| Closing date for proposals | 18 November 2019 at 11:00 |

Proposals shall be submitted at the address mentioned above **no later than 11h00 on 18 October 2019 at 11:00**. TIA reserves the right to disregard proposals received after the specified due date.

19. Evaluation Criteria

Proposals will be evaluated on the 80/20 preference points system.

19.1. First Stage: Functionality/Technical Evaluation

| | Evaluation criteria | Scoring guide | Weights | Maximum Score |
|----|---|---|---------|---------------|
| 1. | Experience in providing security services as per registration with the Private Security Industrial Regulation Authority (Valid and certified copy of PSIRA registration certificate should be provided) | 10 years and over =5 5 to 9 years =3 1 to 5 years = 1 | 0.40 | 5 |
| 2. | Provide details of current or previous experience and five or more contactable references (Five or more copies of references letters must be provided). | 3 and more references = 5, less than 3 references =0 | 0.30 | 5 |

| | Evaluation criteria | Scoring guide | Weights | Maximum Score |
|---|---|--|----------------|----------------------|
| | Provide copies of PSIRA graded individuals to perform duties and proposed monthly duty roster of locally registered staff (PSIRA graded staff certificates and duty roster must be provided) <ul style="list-style-type: none"> • Three Male (3) x Grade C (day shift) • One Female (1) x Grade C (day shift) • Three Male (3) x Grade C staff (night shift) | <ul style="list-style-type: none"> • Security graded individuals registered with PSIRA must be provided • Copy of monthly duty roster must be provided All security staff have Grade C = 5, Below Grade C = 0 | 0.30 | 5 |
| Total weighted score / Maximum possible score | | | 1 | |
| Minimum qualifying score (expressed in percentage) | | | | 70% |

19.2. Second Stage: Evaluation in terms of (80/20) Preference Points System

Service providers who obtain the threshold of 70% will be evaluated further based on the 80/20 Preference point system.

| Categories and criteria | Points |
|--|---------------|
| 19.2.1 Bid Price | 80 |
| 19.2.2 Points awarded for B-BBEE Status Level | 20 |
| Total | 100 |

20. Service required

Rendering of a continuous 24hours per day, 7 days per week security services. A total of the security officers in terms of sections 10(1)(b) of the security officers act (act 92 of 1987) as amended by private security industry regulations act, 2001 (act 56 of 2001) act (act 92 of 1987).

21. Conditions of contract

- 21.1 The contractor and his/her employees must sign a “declaration of secrecy” before commencement of services.
- 21.2 For the purpose of this contract, the contractor must make use of Grade C security officers, as defined in the wage act and private security industry regulations act, 2001 (act 56 of 2001).
- 21.3 All employees must be registered as security officers in terms of sections 10(1) (b) of security officers act (act 92 of 1987) as amended by private security industry regulations act, 2001 (act 56 of 2001).
- 21.4 All your employees must be trained according to the training as prescribed by the private security industry regulatory authority.
- 21.5 TIA is not obliged to accept the lowest or only tender received. Tenders will be evaluated according to the attached criteria of TIA.
- 21.6 The offer must be strictly in accordance with the attached conditions and specifications.
- 21.7 Contractor shall, to ensure the continuity of the service, in the application of the security measure, allocate specific personnel for the service on the site, keeping in mind that rotation from time to time, of the security personnel is a healthy and needy measure.
- 21.8 The norm / quality of the security service to be rendered must be in accordance with the acceptable standard of the trade concerned. All possible steps must be taken by the contractor to ensure the correct intended execution of this agreement takes place.

22. Personnel

- 22.1 The contractor must provide the security personnel required for the successful rendering of the service. As follows:

- a) Security officers Grade C is the persons who shall execute the physical security service (access control and patrols);
- b) They must be registered as security officers, as prescribed by the security officer's Act, Act 92 of 1987, section 10(1)(b); as amended by Private Security Industry Regulations Act, 2001 (act 56 of 2001);
- c) The contractor undertakes to ensure that each member of his security personnel, will always when on duty, be fully equipped in respect all necessary equipment to execute their responsibility;
- d) A uniform, neat and clearly identifiable of the company, which uniform will include matching raincoats and overcoats; and
- e) Note: a clear identification card of the company with the member's photo, identification and file numbers on it must be worn by the officer on duty always.

23. Security Aids / Equipment

23.1 Service aids such as:

- Access Control Registers or Forms
- Visitors cards
- Duty Roster
- Posting sheet
- Baton stick
- Handcuffs and Pouches
- Whistles
- Pocket book
- Pen
- Torch (at night)
- Radio (where applicable)
- Metal Detector (where applicable)
- Clocking system and clocking points
- Occurrence Book



23.2 On commencement of the contract, the contractor must submit to the TIA representative, proper staff files as well as all appropriate documents of all security personnel employed for the rendering of the service to the TIA by the contractor. The appropriate documents shall include, inter alia, the following:

- Registration certificates from PSIRA,
- Training certificates of successfully completed security courses as prescribed by PSIRA.
- Other relevant certificates,
- Identification cards and name tags.



24. Part 3: Standard Bidding Documents (SBD) Forms

SBD 1

INVITATION TO BID

| | | | | | |
|--|----------------------------|---------------|--|-------------------------------|------|
| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY) | | | | | |
| BID NUMBER: | | CLOSING DATE: | | CLOSING TIME: | |
| DESCRIPTION | | | | | |
| BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS) | | | | | |
| | | | | | |
| | | | | | |
| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO | | | TECHNICAL ENQUIRIES MAY BE DIRECTED TO: | | |
| CONTACT PERSON | | | CONTACT PERSON | | |
| TELEPHONE NUMBER | | | TELEPHONE NUMBER | | |
| FACSIMILE NUMBER | | | FACSIMILE NUMBER | | |
| E-MAIL ADDRESS | | | E-MAIL ADDRESS | | |
| SUPPLIER INFORMATION | | | | | |
| NAME OF BIDDER | | | | | |
| POSTAL ADDRESS | | | | | |
| STREET ADDRESS | | | | | |
| TELEPHONE NUMBER | CODE | | NUMBER | | |
| CELLPHONE NUMBER | | | | | |
| FACSIMILE NUMBER | CODE | | NUMBER | | |
| E-MAIL ADDRESS | | | | | |
| VAT REGISTRATION NUMBER | | | | | |
| SUPPLIER COMPLIANCE STATUS | TAX COMPLIANCE SYSTEM PIN: | | OR | CENTRAL SUPPLIER DATABASE No: | MAAA |

| | | | |
|--|--|-------------------------------------|---|
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE | TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No | B-BBEE STATUS LEVEL SWORN AFFIDAVIT | [TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No |
|--|--|-------------------------------------|---|

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

| | | | |
|--|--|---|---|
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF] | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW] |
|--|--|---|---|

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?

YES NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA?

YES NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?

YES NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?

YES NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

YES NO

IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.



PART B
TERMS AND CONDITIONS FOR BIDDING

| |
|--|
| 1. BID SUBMISSION: |
| 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. |
| 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT. |
| 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT. |
| 1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7). |
| 2. TAX COMPLIANCE REQUIREMENTS |
| 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. |
| 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS. |
| 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA. |
| 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. |
| 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. |
| 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. |
| 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE." |

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

.....



CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....
(Proof of authority must be submitted e.g. company resolution)

DATE:

SBD 4

DECLARATION OF INTEREST

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-

- 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, shareholder²):
.....

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.

¹“State” means –

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

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 **YES / NO**
presently employed by the state?

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 attach 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 /shareholder/ 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 whether or not they are bidding for this contract?

YES/NO

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 / Personnel Number | Employee |
|------------------|------------------------|----------------------------------|------------|--|-----------------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |



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

Where

- Ps = Points scored for price of bid under consideration
 Pt = Price of bid under consideration
 Pmin = 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 | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

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 | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

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
- 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 |
| |
| |

SBD 8

2 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.**

| 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?</p> <p>(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).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury’s website (www.treasury.gov.za) 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)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p> | <p>Yes <input type="checkbox"/></p> | <p>No <input type="checkbox"/></p> |
| 4.2.1 | If so, furnish particulars: | | |
| 4.3 | <p>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?</p> | <p>Yes <input type="checkbox"/></p> | <p>No <input type="checkbox"/></p> |
| 4.3.1 | If so, furnish particulars: | | |
| 4.4 | <p>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?</p> | <p>Yes <input type="checkbox"/></p> | <p>No <input type="checkbox"/></p> |
| 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 bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:



a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.

b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.

4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

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

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

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



SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ that:
(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

- (a) has been requested to submit a bid in response to this bid invitation;
- (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and



(c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

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

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

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