



higher education  
& training

Department:  
Higher Education and Training  
REPUBLIC OF SOUTH AFRICA

Central Office  
Cnr Haig & Northey  
P.O. Box 2282  
WITBANK 1035



## Nkangala TVET College invites experienced service providers for the supply and delivery COVID-19 Preventative items and related services for Nkangala TVET College

**NKTVET/2021/06**

Tender documents can be purchased for R300.00 Payment method: EFT banking details - (Account holder: Nkangala TVET College, Account No: **40 5860 7339**, Branch Code 632005, Bank Name **Absa** (reference should be the name of the Bidding Company)).

Bidder can download tender documents on the College website at [www.ntc.edu.za](http://www.ntc.edu.za) and it will be available from the **21/06/2021**. Bidders who are interested in bidding must purchase the tender document and attach the proof of payment on the tender document upon submission, failure to do so will result in disqualification

**Sealed Proposals must be deposited into the box situated at: Nkangala TVET College, Central Office, Corner Haig and Northey Street, Witbank, Mpumalanga.**

**CLOSING DATE AND TIME: 29 June, 2021 AT 11H00.**

Late bids will be disqualified from the process.

Enquiries can be directed to: [sibongile@nkangalafet.edu.za](mailto:sibongile@nkangalafet.edu.za)

Correspondence will be limited to short listed Proposals only. Should you not be contacted by the institution within 30 days of the closing date of the tender, please consider your proposal unsuccessful. **Late Proposals will be disqualified from the bidding process.**

**Nkangala TVET College does not bind itself to accept the lowest bid and reserves the right to accept the bid as a whole, in part or not at all. Nkangala TVET College is committed to both the principle and practical implementation of the Procurement Policy of Broad-Based Economic Empowerment (B-BBEE). No facsimile, late and/or electronic tenders will be accepted.**



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**NAME OF THE BIDDER:**

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**GRAND TOTAL: R** \_\_\_\_\_

**TENDER REFERENCE NUMBER:** \_\_\_\_\_



**YOU ARE HEREBY INVITED TO SUBMIT PROPOSALS FOR SUPPLY AND DELIVERY OF COVID-19 PREVENTATIVE ITEMS AND SERVICES FOR NKANGALA TVET COLLEGE**

<b>RFP NUMBER:</b>	<b>NKTVET/2021/06</b>
<b>RFP ISSUE DATE:</b>	<b>20/06/2021</b>
<b>CLOSING DATE AND TIME:</b>	<b>29 JUNE 2021 AT 11H00</b>
<b>RFP VALIDITY PERIOD</b>	<b>90 DAYS (COMMENCING FROM THE RFP CLOSING DATE)</b>
<b>DESCRIPTION:</b>	<b>SUPPLY AND DELIVER COVID-19 PREVENTATIVE ITEMS AND SERVICES FOR NKANGALA TVET COLLEGE</b>
<b>RESPONSES TO THIS RFP SHOULD BE:</b>	<b>DEPOSITED IN TO TENDER BOX AT NKANGALA TVET COLLEGE, CENTRAL OFFICE, CNR HAIG &amp; NORTHEY STREET, WITBANK, 1035 ON OR BEFORE 29 JUNE @ 11H00</b>
<b>ENQUIRY</b>	<b>SIBONGILE SGUDU AT SCM (SUPPLY CHAIN MANAGEMENT) <a href="mailto:sibongile@nkangalafet.edu.za">sibongile@nkangalafet.edu.za</a> TEL: (013) 658 4794</b>

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## 1. INTRODUCTION

### 1.1. PURPOSE

Nkangala TVET College would like to appoint a panel service provider(s) to supply and deliver Covid-19 preventative items and related services.

#### 1.1.1. OBJECTIVE

To procure basic preventative items and services that are essential in preventing the spread of the Covid-19 and ensure that the College achieve the expected safety of work as determined in line with Covid-19 regulations.

## 2. SCOPE OF WORK

### 2.1. THE COMPANY WILL BE RESPONSIBLE TO SUPPLY OF PPE FOR THE COVID 19 CONSUMABLES

#### 2.1.1. Gloves

Examination, non-sterile, type 1 (gloves made primarily from natural rubber latex), single use, Powder free, Ambidextrous. SANS 11193-1, Box of 100 gloves.

#### 2.1.2. Fabric/ Cloth Face Masks

A cloth mask typically comprises square pieces of cloth with three pleats that can cover the face from ABOVE the nose to BELOW the chin and almost up to the ears.

Materials

Outer layers:

Two layers, an inner and outer surface of the mask:

- Two layers of ordinary cotton typically used for linen;
- If possible – between the two inner cotton layers - a laminate breathable layer of non-woven fabric which is washable at high temperatures – or if you don't have that, something like a jacket lining inner.
- Strings or straps which can be tied behind the head  
(*Embroidery of College and DHET logos*)

**DO NOT USE STRETCHY MATERIAL WITH A LOOSE WEAVE** such as T-shirt material.  
NB the Masks must strictly be 100% Locally Manufactured.

#### 2.1.3. Surgical mask

Specification

Mask, face, aseptic: Fluid resistant, Molded, Blue (3 PLY), good breathability, internal and external faces should be clearly identified Type 1, with ear loops or tie on.

#### 2.1.4. Hand sanitizer

- **Final concentration of at least 60% ethanol or 70% isopropyl alcohol**
- **Ingredients:** 75% alcohol, Purified water, Glycerin Carbomer, Triethanolamine, DMDM Hydantoin, Vitamin-E, Aloe Barbadensis Leaf Extract Active Ingredient: Alcohol (vol.%):75%.
- **Ingredient list:** 75% alcohol, deionized water, glycerin, propylene glycol, tocopherol (vitamin), strawberry extract, flavor.

#### 2.1.5. Digital Body thermometer

- Technical Specification
- Must be able to measure temporal artery temperature at least 4 cm away from forehead
- Suitable for all patients
- Must measure temperature in °C
- Measurement range: 32 - 42°C
- Must be able to take body temperature regardless of room temperature
- The unit must be able to operate in high temperature up to 40 - 45°C
- Lab Accuracy: + 0,2°C
- Must provide reliable and stable results
- Display: LCD with backlight
- Water resistant
- Self-test when switched on Low battery display
- Automatic shut off after 2 min of non-use
- Hand-held, convenient and easy to use
- The unit must be handed over in full operating order
- A starter-pack of consumables must be supplied with the unit.

#### 2.1.6. Surface cleaner/detergent

With not less than 70% alcohol, must be SABS approved.

- Liquid detergent for foam cleaning or pressure washing equipment
- Versatile cleaner and degreaser
- Removes fatty or stubborn soiling
- Effective for removing grease stains from paving
- Highly concentrated
- Non-corrosive & ammonia free
- Safe to use on metals, perspex, glass or plastic

#### 2.1.7. Wet wipes in a dispenser

With not less than 70% alcohol, must be SABS approved

Highly effective on a range of grease, oils, petrochemicals, paints etc.

Package in bucket

- Natural pH 6.5
- Anti-bacterial and alcohol
- No residue left after use
- Pre-soaked in a solution of natural solvents, bactericides, surfactants and water
- Supplied in tubs of 150 wipes

### **2.1.8. Hand gel sanitizer**

With not less than 70% alcohol, must be SABS approved

- Anti -Viral active ingredients
- Aloe-Vera
- Moisturizing

### **2.1.9. Empty spray bottles 1L**

- Trigger type spray mechanism.

### **2.1.10. Empty spray bottles 250ml**

- Mist spray bottle.

### **2.1.11. Coveralls.**

Protective cover bodysuits, disposable, 3X LARGE

Tunic/tops, woven, scrubs, reusable or single use, short sleeved (tunic/tops), worn underneath the coveralls or gown. Trouser/pants, woven, scrubs, reusable or single use, worn underneath the coveralls or gown

## **2.2. THE COMPANY WILL BE RESPONSIBLE TO PROVIDE COVID-19 SERVICES**

### **2.2.1. Surface disinfection**

### **2.2.2. Fogging**

### **3. BASIC TERMS AND CONDITIONS**

- 3.1. Bid documents must be deposited situated at **Nkangala TVET College, Central Office. Address: Cnr Haig and Northey Street, Witbank 1035, not later than the closing date and time as advertised.**
- 3.2. Nkangala TVET College reserves the right not to consider any bid not suitably endorsed or comprehensively completed as well as the right to accept a bid in whole or part.
- 3.3. Nkangala TVET College reserves the right to appoint more than one bidder (panel).
- 3.4. The following documents must be completed and signed where applicable and submitted as complete set:
  - 3.1. Total Bid Price
  - 3.2. Declaration of Interest
  - 3.3. Preferential Points Claim Form
  - 3.4. Contract form
  - 3.5. Declaration of Bidders Past Supply Chain Management Practices
  - 3.6. Certificate of Independent Bid Determination

### **4. COMPULSORY RETURNABLE DOCUMENTS**

- 4.1. Company profile and organizational structure, at least three contactable references (organization, listing contact name, address, telephone and email address).
- 4.2. Company registration documents (CK)
- 4.3. CSD summary report not older than three months
- 4.4. Proof address where the bidder conducts a business in the name of the bidder or the Company (utility bill under director name or rental agreement under business name)
- 4.5. Proof of purchase tender document.

**NB If your company is interested in bidding for COVID-19 Service (surface disinfection and fogging) the following additional compulsory information must be submitted**

- 4.6. Material Safety Data Sheet (applicable surface disinfection, Fogging )
- 4.7. Letter of good standing from Department of Labour (applicable surface disinfection/Fogging services)

### **5. LEGISLATIVE FRAMEWORK**

- 5.1. Public finance management act PFMA
- 5.2. The Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993)
- 5.3. Occupational Health and Safety Act, 1993 (Act No. 85 of 1993 as amended)
- 5.4. Continuing Education and Training Act 16 of 2006.
- 5.5. Preferential Procurement Policy Framework Act, 2000



6. Bidders must choose to provide one (1) out of two (2) commodities below. (Any Bidder who will tick both options will be automatically disqualified, bidders must submit two set of tender documents if they wish to bid for both commodities)

NO	SERVICE TO OFFER BY SUPPLIER	TICK WITH ( X )	SIGNATURE
1	<b>Supply of PPE for the COVID</b> (supply and delivery of PPE and consumables)		
2	<b>Provide COVID 19 Services</b> (fogging and disinfection)		

7. COMPLETE EITHER OF THE FOLLOWING PRICE SCHEDULES ACCORDING TO YOUR SELECTION ON ABOVE

7.1. SUPPLY OF PPE FOR THE COVID-19

NO	ITEMS	QTY	COST PER ITEM
1	Gloves of 100 in a box	1	R
2	Three layer cloth masks	1	R
3	Surgical masks pack of 50	1	R
4	Hand sanitizer liquid 25L	1	R
5	Digital Body thermometer	1	R
6	Surface cleaner/detergent 25L	1	R
7	Wet wipes package type : buckets 5 L	1	R
8	Hand gel sanitizer 25L	1	R
9	Empty spray bottles 1L	1	R
10	Empty Spray bottle for 250ml	1	R
11	Coveralls	1	R

	<b>SUB TOTAL</b>	<b>R</b>
	<b>Vat 15%</b>	<b>R</b>
	<b>Grand Total inclusive of Vat</b>	<b>R</b>

## 7.2. PROVIDE COVID 19 SERVICES

NO	ITEMS	PER SQUARE	COST SQUARE
		METER	METER
1	Rate for fogging	1	R
2	Rate for Disinfection	1	R
	<b>SUB TOTAL</b>		<b>R</b>
	<b>Vat 15%</b>		<b>R</b>
	<b>Grand Total inclusive of Vat</b>		<b>R</b>

## 8. PROPOSAL EVALUATION

Nkangala TVET College is committed to encourage black economic empowerment through providing opportunities to historically disadvantaged individuals. In order to claim PPPFA points, a valid BBBEE certificate/Affidavit needs to be submitted.

## 9. EVALUATION PROCESS

Bids submitted will be adjudicated by Nkangala TVET College using two stage evaluation: Functionality and PPPFA scoring system that awards points in line with the Supply Chain Management policy covering the following items.

## 9.1. STAGE 1: FUNCTIONALITY

Bidders that scores less than 75 percent for functionality will be disqualified.

CRITERIA	WEIGHT	
<b>Experience in similar service (Appointment letter/Contract/Reference letter/Purchase Order) with contactable details ( Name , email and telephone)</b>  2 reference letter 4 reference letter 6 reference letter	  <b>10 points</b> <b>20 points</b> <b>30 points</b>	<b>30 points</b>
<b>3 years Audited/Reviewed Annual Financial Statements (Three consecutive years signed by both parties)</b>  1 Year = 5 Points 2 Years =10 Points 3 Years =15 Points	  <b>5 points</b> <b>10 points</b> <b>15 points</b>	<b>15 points</b>
<b>Locality</b>  Outside Mpumalanga Mpumalanga Province Nkangala District	  <b>5</b> <b>10</b> <b>20</b>	<b>20 points</b>
<b>Gender representation (as per company directors on CK 3 older than 30 days)</b>  Less than 50% woman owned 50% and more woman owned 100% woman owned	  <b>5</b> <b>10</b> <b>20</b>	<b>20 points</b>
<b>Youth representation (as per company directors on CK 3 older than 30 days)</b>  Less than 50% youth owned 50% and more youth owned 100% youth owned	  <b>5</b> <b>10</b> <b>15</b>	<b>15 points</b>

### FORMULA:

$$\frac{\text{Allocated points}}{\text{Total weight}} \times 100 = \text{PERCENTAGE}$$

## 9.2. Stage 2: Price and PPPFA Points

The 80/20 principle will be applied in terms of the Preferential Procurement Policy Framework act.

Price	80 points
BBBEE	20 points
Total	100 points

## 10. NOTICE TO BIDDERS

### NB: VERY IMPORTANT NOTICE ON DISQUALIFICATION

A bid not complying with the peremptory stated hereunder will be regarded as not being an "Acceptable bid", and as such will be rejected.

"Acceptable bid" means any bid which, in all respects, complies with conditions of bid and specifications as set out in the bid documents.

#### **A Bid will be disqualified:**

1. If the bidder fail to return compulsory returnable documents as per 4.1- 4.7
2. If any pages have been removed from the bid document, and have therefore not been submitted, or copy of the original bid document has been submitted
3. In the event of a failure to complete and sign schedule of quantities as required, i.e. only lump sums provided.
4. In the event of there being scratching out, writing over or painting out of rates or information, affecting the evaluation of the bid, without initiating next to the amended rates or information.
5. If the bidder attempts to influence, or has in fact influenced the evaluation and/or awarding of the contract.
6. If the bidder has been submitted either in the wrong bid box or after relevant closing date and time.
7. If any bidder who during the last five years has failed to perform satisfactory on a previous contract with any organ of state after written notice was given to that bidder that performance was unsatisfactory.
8. If the bidder or any of its directors is listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities of 2004 as a person prohibited from doing business with the public sector.
9. In the event of non-submission of financial statements if required (SEE BID DATA OR PRICING SCHEDULE). In this regard please note:
  - 9.1 If a bidder is a registered company required by law to have its annual financial statements audited or independently reviewed in compliance with the requirements of the Companies Act, Act No.71 of 2008, or any other law, audited or independently reviewed annual financial statements, as the case may be, prepared within six (6) months of the end of the bidders most recent financial statements for the two immediately preceding financial years, unless the bidder was only established within the past three (3) years in which case all of its financial statements must be submitted
  - 9.2 If a bidder is a registered close corporation, annual financial statements in compliance with the provisions of the Close Corporations Act, Act No. 69 of 1984, prepared within nine (9) months of

the end of the bidders most recent financial year together with the annual financial statements for two immediately preceding financial years, unless the bidder was only established within the past three (3) years in which case all of its annual financial statements must be submitted.

- 9.3 Annual financial statements submitted must comply with the requirements of the Companies Act or Close Corporation Act.
- 9.4 If a bidder is not required by law to have its financial statements audited or independently reviewed, or is not a Close Corporation, then non-audited annual financial statements for the periods referred to above must be submitted.
- 9.5 If the bidder or any of its directors is listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities of 2004 as a person prohibited from doing business with the public sector.
10. A tender that is received by telegram, email or fax will not be considered.

## **11. SPECIAL CONDITION OF THE CONTACT**

### **11.1. CANCELLATION OF CONTRACT**

- a) This contract may be terminated on written notice of thirty (30) days by either party.
- b) The Nkangala FET College reserves the right, in the case of non-performance to terminate the agreement in terms of the same conditions as those mentioned in subparagraph (a) above.

### **11.2. STANDARD CONTRACT**

A detailed contract will be signed by the award contractor and the Nkangala TVET College. A standard concept contract is attached to this document for Tenderers perusal.

### **11.3. DAMAGE AND TERMINATION**

The College shall, in the following cases, have the right summarily and without recourse to law and without prejudice to the right of the College on hold the Contractor responsible for any damage suffered by the College as a result of breach of contract or neglect by the Contractor and to terminate the contract without any compensation to the Contractor, namely:

- 11.3.1. In the event of any breach of or failure by the Contractor to comply with any of the terms of this Contract.
- 11.3.2. In the event of an order being made for the sequestration of the Contractor's estate, whether provisional or final, or in the event of an application being made for such order, or in the event of the Contractor making application for the surrender of his estate, or if the Contractor shall enter into, make or execute any deed or arrangements or other composition or arrangement with, or assignment for the benefit of his creditors, or purport so to do or if the Contractor being a company shall pass a resolution, or if the Court shall make an order, for the liquidation of such company.
- 11.3.3. In the event of the Contractor, or any person employed by him, paying or offering to pay any sum of money by way of commission or gratuity to any personnel or person in the employ of

the College or giving or offering or endeavouring to give such personnel or other person any gift or consideration.

#### **10.4 . POWERS OF THE COLLEGE IN THE EVENT OF SERVICES BEING DEFECTIVE**

In the event of the services rendered being defective in quality, it is agreed that either –

The Chief Executive Officer shall have the power to make good the deficiency in any manner he may deem fit and any excess costs to be incurred over the contract price, together with all charges and expenses attending the purchase, shall be recoverable from the Contractor; or

#### **10.5. FAILURE TO DELIVER**

In the event of the Contractor failing to render the services in terms of this Contract at the time and in the manner determined by the Contract it is agreed that the Contractor will pay to the College a sum not exceeding the actual damage suffered by the College.

The Chief Executive Officer shall determine the manner in which and the time when such payment of excess cost or damages shall be made and the decision of the Chief Executive Officer shall be final and binding in every case.

Notwithstanding the above, the Contractor shall not be held liable to the enforcement of the penalties stated in the contract for non-supply should such failure be due to VIS MAJOR, enemies of the Republic of South Africa, strikes, fires, dangers and accidents at sea and navigation, of whatever nature and kind.

#### **10.6 CESSION, SUB-LEASE OR ASSIGNATION**

The Contractor undertakes not to cede, sub-lease or assign this contract or any part or interest therein unless the College grants permission in writing and then only on such conditions as the College may approve.

#### **10.7. ACCEPTANCE**

- 14.1. The written acceptance of this tender shall constitute a contract binding on both parties.
- 14.2. This tender shall remain open for acceptance for a period of thirty (30) days from the date on which tenders are due (closing date of tenders) and during this period the tenderer shall not withdraw his tender or impair or derogate from its effect.
- 14.3. The College does not bind itself to accept the lowest or any tender and reserves the right to accept the whole or any portion thereof.

#### **10.8 PRICE**

Any price quoted shall be the total price and shall include cost of delivery.

#### **10.9 PAYMENT**

Payment will be made at the end of the month following the month in which the service rendered. The College may deduct any amount due to it by the Contractor under any of the provisions of this contract from any amount due to the contractor.

#### **10.10 INFORMATION TO BE SUPPLIED BY TENDERERS**

- 10.10.1 No tender shall be considered unless it is accompanied by sufficient information to show
- 10.10.2 Whether or not the goods offered comply with the specification.
- 10.10.3 In case where the tenderer is a company, corporation, partnership or joint venture, the names of the directors shall be stated on the Form of Tender.

#### **10.11 NO RIGHT TO CESSION**

It is hereby specially undertaken and agreed that the Contract shall not have the right to cede or assign any right and claim to any monies due or to become due under this agreement without the consent of the College first having been obtained. All monies payable in terms of this agreement shall be paid to the Contractor personally and to no other person.

#### **10.12 VARIATIONS BY TENDERER**

If the tenderer wishes to make any departures form or modifications to the Conditions of act or Specifications, or to qualify his tender in any way, he shall set out his proposals clearly on the prescribed form, which forms part of this agreement.

The College serves the right to subdivide the contract and to accept tenders for any one or more items.

It must be stated clearly in the tender whether value added tax (VAT) is included or not.

#### **10.13 ANNEXURES TO FORM PART OF CONTRACT**

The Tenderer agrees that, on the acceptance of the tender by the College, all the Annexures shall be incorporated in and shall be deemed to form part of the Contract.

#### **10.14 TERMINATION**

The contract will terminate upon completion of all the duties specified in the contract; provided that the College may terminate the contract with 7 (seven) days' notice to the contractor should the performance of the contractor in the execution of its duties in terms of this contract be unsatisfactory in the opinion of the Chief Executive Officer of the College whose decision shall be final and binding on both parties.

**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.....  
...

The successful bidder will be required to fill in and sign a written Contract Form (SBD 7) Emailed to;

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

THE FOLLOWING PARTICULARS MUST BE FURNISHED  
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)

NAME OF BIDDER .....

POSTAL ADDRESS .....

STREET ADDRESS .....

TELEPHONE NUMBER  
CODE.....NUMBER.....

CELLPHONE NUMBER .....

FACSIMILE NUMBER CODE .....NUMBER.....

E-MAIL ADDRESS .....

VAT REGISTRATION NUMBER  
.....

ORIGINAL AND VALID TAX CLEARANCE  
CERTIFICATE BEEN SUBMITTED? (SBD 2) **YES / NO**

HAS A B-BBEE STATUS LEVEL VERIFICATION  
CERTIFICATE BEEN SUBMITTED? (SBD 6.1) **YES / NO**

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA).....  
A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS); OR.....



A REGISTERED AUDITOR ..... [TICK APPLICABLE BOX]

**(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE 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?      **YES/ NO**  
[IF YES ENCLOSE PROOF]

SIGNATURE OF BIDDER .....

DATE .....

CAPACITY UNDER WHICH THIS BID IS SIGNED .....

TOTAL BID PRICE.....      TOTAL NUMBER OF ITEMS OFFERED

---

**ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:**

**Department:** .....

**Contact Person:** .....

**Tel:** .....

**Fax:** .....

**E-mail address:**.....

**ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:**

**Contact Person:** .....

**Tel:** .....

**Fax:** .....

**E-mail address:**.....

**SBD 2**

**TAX CLEARANCE CERTIFICATE REQUIREMENTS**

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001

“Application for a Tax Clearance Certificate” and submit it to any SARS branch office nationally. The Tax

Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.

2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.

3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.

4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.

5 Copies of the TCC 001 “Application for a Tax Clearance Certificate” form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).

6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za).  
Jeyrel: \Mdk416-SBD2 tax clearance

**SBD 3**

**PRICING SCHEDULE – FIRM PRICES  
(PURCHASES)**

**NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED**

**IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT**

Name of bidder.....	Bid number.....
Closing Time	Closing date.....

OFFER TO BE VALID FOR.....DAYS FROM THE CLOSING DATE OF BID.

ITEM NO. INCLUDED)	QUANTITY DESCRIPTION	BID PRICE IN RSA CURRENCY ** (ALL APPLICABLE TAXES
-----------------------	----------------------	---

- 
- Required by: .....
  - At: .....
  - Brand and model .....
  - Country of origin .....
  
  - Does the offer comply with the specification(s)? **\*YES/NO**
  - If not to specification, indicate deviation(s) .....
  - Period required for delivery .....
  
  - \*Delivery: **FIRM/NOT FIRM**
  
  - Delivery basis .....

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

\*\* "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

**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.

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

2.1 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 Tax Reference Number	State Employee Number / Persal Number

4 DECLARATION

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

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

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

**SBD 6**

CONTRACT FORM - RENDERING OF SERVICES

**THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.**

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution) ..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.

2. The following documents shall be deemed to form and be read and construed as part of this agreement:

- (i) Bidding documents, viz
  - Invitation to bid;
  - Tax clearance certificate;
  - Pricing schedule(s);
  - Filled in task directive/proposal;
  - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
  - Declaration of interest;
  - Declaration of bidder's past SCM practices;
  - Certificate of Independent Bid Determination;
  - Special Conditions of Contract;
- (ii) General Conditions of Contract; and
- (iii) Other (specify)

3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.

5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....  
CAPACITY .....  
SIGNATURE .....  
NAME OF FIRM .....  
DATE .....

WITNESSES	
1	.....
2	.....
DATE:.....	

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

ADDRESS .....

.....

.....



**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
<b>PRICE</b>	
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

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

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

## 2. DEFINITIONS

- (a) “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) “**B-BBEE status level of contributor**” means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) “**bid**” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) “**EME**” means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) “**functionality**” means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) “**prices**” includes all applicable taxes less all unconditional discounts;
- (h) “**proof of B-BBEE status level of contributor**” means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) “**QSE**” means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

## 3. POINTS AWARDED FOR PRICE

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

A maximum of 80 or 90 points is allocated for price on the following basis:  
**80/20 or 90/10**

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

Where

- $P_s$  = Points scored for price of bid under consideration
- $P_t$  = Price of bid under consideration
- $P_{\min}$  = Price of lowest acceptable bid

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

4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, 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 last 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
<b>OR</b>		
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 6.2

### DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

#### 1. General Conditions

1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.

1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.

1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.

1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.

1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where x is the imported content in Rand y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

Description of services, works or goods	Stipulated minimum threshold
---	------------------------------

N/A

3. Does any portion of the goods or services offered have any imported content? (Tick applicable box)

YES NO

3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za)

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency Rates of exchange US Dollar Pound Sterling Euro Yen Other

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

4. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

**SBD 7.2**

**CONTRACT FORM - RENDERING OF SERVICES**

**THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.**

**PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)**

- 7. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
- 8. The following documents shall be deemed to form and be read and construed as part of this agreement:
  - (iv) Bidding documents, viz
    - Invitation to bid; Tax clearance certificate; Pricing schedule(s); Filled in task directive/proposal; Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011; Declaration of interest; Declaration of bidder's past SCM practices; Certificate of Independent Bid Determination; Special Conditions of Contract;
  - (v) General Conditions of Contract; and
  - (vi) Other (specify)
- 9. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
- 10. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
- 11. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
- 12. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)	.....	<b>WITNESSES</b>  3 .....
CAPACITY	.....	
SIGNATURE	.....	
NAME OF FIRM	.....	
DATE	.....	



**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	<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><b>The Database of Restricted Suppliers now resides on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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)? <b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

**SBD 8**

**CERTIFICATION**

I, THE UNDERSIGNED (FULL NAME) .....

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.**

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

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

## 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.

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Institution)

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

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or 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.**

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 Bid