



**BID NUMBER: CATHS/ERP/001/2018**

**TERMS OF REFERENCE**

**PROVISION OF ENTERPRISE RESOURCE PLANNING (ERP) SYSTEM**

## 1. Background to CATHSSETA

The Skills Development Act (No 97 of 1998) (SDA) makes provision for the establishment of Sector Education and Training Authorities (SETAs) for each national economic sector and thereby aims to develop the skills of the South African workforce by increasing the investment in education and training in the labour market; and encouraging employers to play a meaningful role in developing employees, particularly the previously disadvantaged. The Culture, Arts, Tourism, Hospitality and Sport Sector Education and Training Authority (CATHSSETA) was established through the SDA, to research and establish nationally recognised Sector Skills Plan (SSP) supported by skills development programmes serving the interest of the following sectors:

- Culture, Arts and Heritage
- Tourism and Travel Services
- Hospitality
- Gaming and Lotteries
- Conservation; and
- Sport, Recreation and Fitness

These sectors are diverse and unique and they play a significant role not only in the economy, but also in the broader quest for social cohesion and formulation of a unique South African national identity.

CATHSSETA's critical success factors are described as the Key processes that deliver services to the CATHSSETA beneficiaries, i.e. learners and employers. The process is based on the three critical components of the CATHSSETA service delivery Value Chain:

- Facilitation of Learning Interventions. Involves facilitation of all skills development initiatives
- Quality Assurance of Skills Development. Involves accreditation of skills development facilitators, verification of learners, and development of occupational qualifications
- Employer engagements. Involves the receipt of levies and payments of grants.

## 2. Overall objective

The objective of this TOR is to outline the scope of work for the provision of the Enterprise Resource Planning (ERP) for CATHSSETA. The aim is to deploy an ERP system that will assist in automating most of CATHSSETA processes, comply with legislation and government policies and promote good governance. The ERP system must be scalable to allow additional modules for different business areas and must interface with other Management Information Systems at CATHSSETA system landscape.

### 3. Contract period

Start: from date of signing the contract (estimated to be the 01 February 2019)

End: March 2020

### 4. Indication if the tender will be evaluated on functionality as well as minimum acceptable qualifying score

The bid will be evaluated on functionality and bidders require a minimum of **70 out of 100** points allocated for professional ability. CATHSSETA will request presentations/demonstrations from the short-listed Bidders on functionality as part of the bid evaluation process.

Bidders who qualify on functionality criteria will be invited to conduct a Proof of Concept of which a minimum threshold of **70 points out of 100** points is required for further evaluation on Pricing and Preference.

Bidders will be evaluated in terms of the gatekeeper/minimum requirements. Bidders who do not fulfil all the requirements or do not submit the required documents will be disqualified.

### 5. Indication if the bid will be evaluated related to local production and contents as well as the minimum thresholds applicable to local production and contents

Not applicable

### 6. Purpose

CATHSSETA would like to appoint a qualified ICT Service Provider to provide an integrated Management Information System (MIS) and a Commercially Off-The Shelf (COTS) ERP solution to replace the current CATHSSETA legacy systems, Indicium, VIP, Microsoft AX Dynamics and to cover areas that were not previously addressed.

### 7. Current Architecture Landscape

The architecture consists of a head office based in Killarney which connects to the MPLS via a 20MB link. The five regional offices in Polokwane; Bloemfontein; King Williams Town; Durban and Cape Town are connected to the MPLS through 4MB microwave links. The current ERP is hosted by the service provider and it connects to the head office via a 4MB microwave link. The server farm is based in Killarney and consists of a hybrid of physical servers and virtual servers.

## 8. Detailed scope of services to be rendered by the service provider

Respondents are requested to provide information on how they will provide the deliverables listed below. The respondents must provide a detailed response to each requirement stating full compliance, partial compliance and do not comply with details for each response. An example is provided here under.

| Module                               | Requirement             | Full compliance | Partial compliance | Do not comply | Details                                                    |
|--------------------------------------|-------------------------|-----------------|--------------------|---------------|------------------------------------------------------------|
| 1.1. Financial Management ERP module | 1.1.1. Accounts payable | √               |                    |               | The xxx ERP system provides accounts payable functionality |

- 8.1. Develop and deploy an Enterprise Resource Planning (ERP) system for CATHSSETA.
- 8.2. The ERP system must be scalable;
- 8.3. ERP system must be able to interface with existing and future systems to be deployed at CATHSSETA;
  - 8.3.1. Existing interfaces
    - 8.3.1.1. SAQA
    - 8.3.1.2. NLRD
    - 8.3.1.3. DHET SETMIS
- 8.4. The ERP must be able to accept migrated data from the existing ERP system.
- 8.5. The ERP must be able to generate and manage Action Items.
- 8.6. The proposed ERP solution must be hosted.
- 8.7. The bidder must depict by way of a diagram the architecture of the solution and further explain the architecture by a narrative.
- 8.8. The proposed ERP solution must have a Disaster Recovery.
- 8.9. The scope of the services required for the ERP solution includes but not limited to the sourcing and installation of the following modules:
  - 8.9.1. Financial Module
  - 8.9.2. Human Resources and Payroll module
  - 8.9.3. Skills Development (Education & Training Quality Assurance and Learning Programmes)
  - 8.9.4. Supply Chain Management module
- 8.10. Financial Management ERP module with the following functionalities:
  - 8.10.1. Accounts payable
  - 8.10.2. Accounts receivable
  - 8.10.3. Invoices
  - 8.10.4. Deposits

- 8.10.5. Planning and budgeting
- 8.10.6. General Ledger
- 8.10.7. Bank reconciliation
- 8.10.8. Automatic Cost Calculation
- 8.10.9. Cost Calculation Mode Selection
- 8.10.10. Cost Analysis
- 8.10.11. Advanced Allocations
- 8.10.12. ERP to Bank Interfaces and Reconciliation
- 8.10.13. Cash management
- 8.10.14. Fixed assets
- 8.10.15. Grant or Project Accounting
- 8.10.16. Regulatory Compliance Support
- 8.10.17. Commitment Register
- 8.10.18. Print Remittance Advise
- 8.10.19. Cash Book
- 8.10.20. Order Management
- 8.10.21. Reporting

8.11. Human Resources Management ERP module with the following functionalities:

- 8.11.1. Personnel management
- 8.11.2. Benefits Administration
- 8.11.3. Leave management
- 8.11.4. Payroll management
- 8.11.5. Enterprise Compensation Management
- 8.11.6. Organisational management
- 8.11.7. Employee Performance management
- 8.11.8. Employee Self Service
- 8.11.9. Talent Management
- 8.11.10. Training management
- 8.11.11. Reporting

8.12. Supply Chain Management ERP module with the following functionalities:

- 8.12.1. Purchasing
- 8.12.2. Contract Management
- 8.12.3. Supplier Management

- 8.12.4. Demand Management
- 8.12.5. Event Management
- 8.12.6. Scheduling
- 8.12.7. Supplier Database Management
- 8.12.8. Inventory Management
- 8.12.9. Asset Management
- 8.12.10. Order Management
- 8.12.11. Reporting

8.13. Skills Development

8.13.1. Learning Programmes

- 8.13.1.1. Grant Management
- 8.13.1.2. Skills Programme Management
- 8.13.1.3. Invoicing
- 8.13.1.4. Grant Allocation
- 8.13.1.5. Electronic Requests
- 8.13.1.6. Internship Management
- 8.13.1.7. Work Integrated Learning (WIL) Management
- 8.13.1.8. Learnership Management
- 8.13.1.9. Contract Management
- 8.13.1.10. Bursary Management
- 8.13.1.11. Reporting

8.13.2. ETQA

- 8.13.2.1. Assessor Management
- 8.13.2.2. Moderator Management
- 8.13.2.3. Provider Management
- 8.13.2.4. Learner Management
- 8.13.2.5. Certification
- 8.13.2.6. Programme Management
- 8.13.2.7. Learnership Management
- 8.13.2.8. Organisation Management
- 8.13.2.9. Document Management
- 8.13.2.10. Reporting

8.14. Professional Services Provision as follows:

- 8.14.1. Data conversion and migration
- 8.14.2. Report development
- 8.14.3. Implementation and Training services
- 8.14.4. Change management
- 8.14.5. System documentation and Testing
- 8.14.6. Knowledge transfer
- 8.14.7. Ongoing support and maintenance of the ERP solution until 31 March 2020.
- 8.15. Proof of Concept (PoC)
  - 8.15.1. The shortlisted bidders will be invited to conduct a compulsory PoC Demonstration.
  - 8.15.2. The PoC Demonstration will be used to determine how the solution complies with the system requirements.
  - 8.15.3. Bidders are expected to demonstrate each functionality as specified in each module.
- 8.16. Below are the divisions within CATHSSETA
  - 8.16.1. Office of the CEO
  - 8.16.2. Education & Training Quality Assurance (ETQA)
  - 8.16.3. Learning Programmes
  - 8.16.4. Provincial Operations
  - 8.16.5. Finance
  - 8.16.6. Corporate Services
  - 8.16.7. Human Capital
  - 8.16.8. Supply Chain Management
  - 8.16.9. Internal Audit & Risk Management
  - 8.16.10. Information Technology
  - 8.16.11. Performance & Monitoring
  - 8.16.12. Research & Development
  - 8.16.13. Knowledge Management
  - 8.16.14. Marketing and Communications
  - 8.16.15. Legal and Compliance
- 8.17. The size of the organisation is 150 employees
- 8.18. Regional operations size is on average: 8 employees
- 8.19. CATHSSETA Offices:
  - 8.19.1. National office- Killarney Johannesburg
  - 8.19.2. Regional offices :

|                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>8.19.2.1. Polokwane</p> <p>8.19.2.2. King Williamstown</p> <p>8.19.2.3. Bloemfontein</p> <p>8.19.2.4. Durban</p> <p>8.19.2.5. Cape Town</p> <p>8.19.2.6. Johannesburg</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>Detailed Scope of Work and Objectives of the Project</p>                                                                                                                  | <ul style="list-style-type: none"> <li>○ The tender documentation should outline the bidder’s complete proposal: methods, current staff (and their skills sets/curricula vitae) and costs.</li> <li>○ CATHSSETA will select a preferred supplier on the basis of CATHSSETA’s evaluation of the extent to which the bidder’s documents demonstrate that they offer the best value for money and that they satisfy the following criteria: <ul style="list-style-type: none"> <li>● Proposals must demonstrate experience in the ERP advisory related services</li> <li>● Skills, experience and capacity of the staff</li> </ul> </li> <li>○ Bidders must provide evidence of previous experience. References of work done must be listed.</li> <li>○ It is essential that the service provider has the knowledge and experience of providing ERP Systems in a public entity environment.</li> <li>○ CATHSSETA also requires that the service provider has the experience of working in a SETA environment</li> </ul> |
| <p>Milestones and date of completion of the solution.</p>                                                                                                                    | <p>Bidder must propose milestones indicating costs for each milestone in line with the contract period. The proposed timelines must take into consideration the remaining period before 31 March 2020.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>Contact details for technical enquiries</p>                                                                                                                               | <p><a href="mailto:supplychain@cathsseta.org.za">supplychain@cathsseta.org.za</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>Contact details for procurement enquiries</p>                                                                                                                             | <p><a href="mailto:supplychain@cathsseta.org.za">supplychain@cathsseta.org.za</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>9. Details of CATHSSETA role and functions in the service/project</b></p>                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |



The Service Provider will work under the direct supervision of the CEO or his/her delegate who will provide all project management inputs.

## 10. QUALIFICATION AND CRITICAL REQUIREMENT

### Minimum requirements for short-listing

1. Provide and attach a copy of valid Tax Clearance Certificate
  - Bidders are required to submit their unique personal identification number (PIN) issued by SARS to enable CATHSSETA to verify the supplier's tax status on SARS e-filing.
  - Bidders must also submit CSD Report and a printed TCS together with the bid.
  - In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate proof of TCS / PIN / CSD number.
2. Provide and attach a copy of a valid BBBEE Certificate from an Accredited Verification Agency or a Letter from SANAS and for the Exempted Micro Enterprises (EMEs), EME sworn affidavit.
3. Bid document must be completed in full and bidder to sign all declaration of interests documents
4. Provide and attach a copy of Company Registration Certificate with the CIPC
5. Your company must initial all pages of the SBD forms, bids must be submitted as ONE (1) original and (4) copies
6. The company must provide a company profile. For consortium/joint ventures each member must submit a company profile

## 11. Monitoring and report requirements after contract is signed

The following reports/information should on a regular basis, be submitted to the CEO:

### Management Reports

- Bi-weekly progress reports on the Progress made, Strategy and Plan
- Any other reports that CATHSSETA may deem necessary.

## 12. Price specification/ requirements

Price must be quoted in South African currency and must be inclusive of VAT. Bidders must provide pricing for each module being proposed.

## 13. Validity period

Validity period: 90 days. The Bidder is required to confirm that it will hold its proposal valid for 90 days from the closing date of the submission of proposals, during which time it will maintain without change, the personnel proposed for the services together with their proposed rates.

**14. Available data/information to the potential supplier relevant to this bid**

The CATHSSETA Strategic Plan, Sector Skills Plan and Annual Performance Plan are available on the CATHSSETA website. [www.cathsseta.org.za](http://www.cathsseta.org.za)

**15. Transfer of knowledge and training**

Yes – Skills transfer to relevant custodians

**16. The following bid process will be followed**

| Description                      | Due Date                                                                                     |
|----------------------------------|----------------------------------------------------------------------------------------------|
| Opening for Request for Proposal | 02 November 2018                                                                             |
| Non-Compulsory Briefing Session  | 13 November 2018 at 11:00am (CATHSSETA offices in 01 Newton Avenue, Killarney, Johannesburg) |
| Closing dates                    | 22 November 2018 at 11:00am                                                                  |

**17. Evaluation process**

| Bid evaluation process if functionality/local content production is stipulated                                                                                                                                                                                                                                                                                                                                                                                                            | Bid evaluation process if functionality is not an requirement                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>All bids duly lodged will be examined to determine compliance with bidding requirements and conditions.</p> <p><b>Bids that do not meet the minimum qualifying score for functionality/ or minimum stipulated threshold for local content or production will be eliminated from further evaluation.</b></p> <p>The responsive proposals will then be evaluated further based on the 80/20 preference point system in terms of the PPPFA Act and its regulations 2017.(See SBD 6.1)</p> | <p>All bids duly lodged will be examined to determine compliance with bidding requirements/ specifications and other conditions.</p> <p>The responsive proposals will then be evaluated further based on the 80/20 preference point system in terms of the PPPFA Act and its regulations 2017.(See SBD 6.1)</p> <p>The contract will be awarded to the bid proposal that scored the highest total number of points.</p> |

|                                                                                                  |  |
|--------------------------------------------------------------------------------------------------|--|
| The contract will be awarded to the bid proposal that scored the highest total number of points. |  |
|--------------------------------------------------------------------------------------------------|--|

**18. Evaluation criteria that will be used to evaluate functionality**

| <b>Evaluation criteria</b>                                                                                          | <b>Sub evaluation criteria</b>                                                                                                                                                 | <b>Points allocation for sub-evaluation criteria</b> |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| <b>Understanding of the specifications and the work that needs to be done</b>                                       | <ul style="list-style-type: none"> <li>• Bidder demonstrates an extensive understanding of the specifications and the work that needs to be done</li> </ul>                    | 15                                                   |
|                                                                                                                     | <ul style="list-style-type: none"> <li>• Bidder demonstrates a reasonable understanding of the specifications and the work that needs to be done</li> </ul>                    | 10                                                   |
|                                                                                                                     | <ul style="list-style-type: none"> <li>• Bidder demonstrates limited understanding of the specifications and the work that needs to be done</li> </ul>                         | 5                                                    |
| <b>Response to the scope of work- (Implementation plan for training, Costing, Timeframes)</b>                       | <ul style="list-style-type: none"> <li>• Implementation plan provided is comprehensive and displays detailed costing and clear timeframes</li> </ul>                           | 50                                                   |
|                                                                                                                     | <ul style="list-style-type: none"> <li>• Implementation plan provided is complete and contains some costing and timeframes</li> </ul>                                          | 25                                                   |
|                                                                                                                     | <ul style="list-style-type: none"> <li>• Implementation plan provided is incomplete and lacks detailed costing and clear timeframes</li> </ul>                                 | 10                                                   |
| <b>Experience of Key Staff (Project team) in the related area(s) of specialisation (CV/Profiles to be attached)</b> | <ul style="list-style-type: none"> <li>• Equivalent education and training of project team. Experience of project team with 10 Years and above on similar projects.</li> </ul> | 20                                                   |
|                                                                                                                     | <ul style="list-style-type: none"> <li>• Equivalent education and training of project team. Experience of project team with 5 - 9 years on similar projects.</li> </ul>        | 10                                                   |

|                                                                                                                                      |                                                                                                                                                                                             |               |
|--------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
|                                                                                                                                      | <ul style="list-style-type: none"> <li>• Equivalent education and training of project team. Experience of project team with 1 - 4 years on similar projects.</li> </ul>                     | 5             |
| <b>Company experience in comparative projects. (Bidders must supply reference letters of similar projects with contact details.)</b> | <ul style="list-style-type: none"> <li>• Execution of 5 or more similar projects</li> <li>• Execution of 3 to 4 similar projects</li> <li>• Execution of 1 to 2 similar projects</li> </ul> | 15<br>10<br>5 |

**19. Bidders must score a minimum qualifying score for functionality**

**70 points out of 100**

Bidders who qualify on the above criteria will be invited to conduct a Proof of Concept at their own costs and will be evaluated on the criteria below.

| <b>19.1</b> | <b>Proof Of Concept Criteria</b>              | <b>100</b> |
|-------------|-----------------------------------------------|------------|
| 19.1.1      | Functionality of the Applications             | 50         |
| 19.1.2      | Quality of the reports produced by the system | 30         |
| 19.1.3      | Ease of Use                                   | 20         |

**70 points out of 100**

Bidders who qualify on Proof of Concept Criteria will be evaluated further on pricing and reference.

**20. General Bid administrative information**

The completed response and submissions must be returned to –

CATHSSETA,  
01 Newtown Avenue,  
Killarney  
Attention: Supply Chain Office

Bid proposals must consist of at least **five (5)** hardcopies and **one** electronic copy (CD).

Incomplete submissions, including insufficient numbers of printed copies or electronic copies **may** result in disqualification or will negatively impact scoring during evaluation process.

E-mail or fax proposals are **not** acceptable.

Questions for clarification of issues will be considered by the CATHSSETA up to the close of business **72 hours** before the closing date and time. No verbal requests for information or clarification will be accepted.

All documentation and responses will be supplied and exchanged utilising standard Microsoft Office (Word, Excel and PowerPoint) products.

Any attempt to gain information in a manner deemed to be fraudulent or disadvantageous to other respondents or any attempt to influence the outcome of the response evaluation will result in immediate disqualification from the bid process.

The SBD 1 "Invitation to Bid" must be completed and attached as the front sheet to the response and any other separate submissions.

Documents must be submitted in the following order:

Bidding documents, *viz.*

- Invitation to bid; (SBD 1)
- Tax clearance certificate;
- Pricing schedule(s);
- Technical Specification(s)/ Technical proposal based on TOR. The technical proposal should address the following content and if applicable the proposal must adhere to the sequence indicated below:
  - **Background information of service provider/Joint venture/Consortium and of any sub-contractors.**
    - Executive Summary of proposal
    - Service provider Profile / Management structure
    - B-BBEE status level.
  - **Proposal regarding the scope of services to be rendered**
    - Approach, Plan and Time Lines

- Project Organisation and logistical arrangements
- Methodology to ensure successful completion of contract
- Business arrangement approach
  - ✓ An overview of the proposed business arrangement;
  - ✓ How CATHSSETA and the service provider will manage risks and realise benefits;
- **Information and evidence to address the evaluation criteria set in the particular bid documents:**
  - Proof of Financial Stability
  - Proven Credentials and Team Expertise
  - A detail of any professional associations the respondents belongs to and indicate the length of membership.
  - Performance capabilities
  - Performance abilities relevant to the scope of services to be rendered
  - Senior Management Experience
  - Reference sites and contact details where a project of this nature was conducted
  - Major client profile / including government
- Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011; (SBD 6.1)
- Declaration certificate for local production and content (SBD 6.2) (if applicable)
- Declaration of interest; (SBD 4)
- Declaration of bidder's past SCM practices;(SBD 8)
- Certificate of Independent Bid Determination (SBD 9)
- General Conditions of Contract;
- Special Conditions of Contract; and
- Other documents such as:
  - Financial statements in support of financial stability;
  - Required detail regarding references; and
  - CV's of key project personnel.

Suppliers may submit alternative bid proposals. Such proposal will be evaluated as a separate bid, and CATHSSETA is under no obligation to accept such alternative bid proposals. All bid proposals must at least adhere to the minimum requirements as specified in the Terms of Reference.

If the bidder suggests certain changes to the General conditions of contract or the special conditions of contract, the proposed changes will be evaluated and if acceptable by CATHSSETA such suggested changes may be included into the contract as special conditions of contract. If the suggested changes are unacceptable the General conditions of contract and the special conditions of contract will stand. The potential bidder will then have to decide to abide by the decision or to withdraw its bid proposal.

If any clarity needs to be obtained for evaluation purposes CATHSSETA may require the potential service provider to substantiate certain information, or to allow officials to undertake a financial/ physical inspection to assure that capacity and ability is proven.

Supporting documentation should be attached as annexures and cross-referenced to the appropriate section of the bid.

Please note that the scope of services as indicated in this TOR reflects CATHSSETA true requirements and once the contract is signed amendments to the contract will only be allowed in exceptional circumstances. Please ensure that your costing is based on the scope of services to be rendered.

#### **Disclaimer**

The SETA reserves the right not to appoint a service provider and is also not obliged to provide reasons for the rejection of any proposal. CATHSSETA reserves the right to:

- Award contract or any part thereof to one or more Service Providers;
- Reject all bids;
- Consider any bids that may not conform to any aspect of the bidding requirements;
- Decline to consider any bids that do not conform to any aspect of the bidding requirements;
- Request further information from any Service Provider after the closing date;
- Cancel this tender or any part thereof at any time.

Take note that if **subcontractors** are going to be utilized the following B-BBEE rules will be applicable for the allocation of B-BBEE points:

Pre-contract (Regulation11.8)

- (8) A person must not be awarded points for B-BBEE status level if it is indicated in the tender documents that such a tenderer intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a tenderer qualifies for, unless the intended sub-contractor is an exempted micro enterprise that has the capability and ability to execute the sub-contract.
- 

Post contract (Regulation 11.9)

- (9) A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an exempted micro enterprise that has the capability and ability to execute the sub-contract.

**Bidders notification**

Unsuccessful respondents will be notified by e-mail.

**21. Additional Bid requirements if an consortium/ joint venture/ trusts is submitting a bid proposal**

The name of the entity with whom the CATHSSETA will ultimately contract and who will be responsible for the overall service delivery. This is required in all instances and is particularly relevant in a consortium.

The names of all consortium/ joint venture members and evidence there-of.

SARS tax clearance certificates (if consortium and/or joint venture kindly ensure that all members submit an original Tax Clearance Certificate);

Consortiums must submit an Copy of Registration Documents with the Registrar of Companies (CIPS)

All members of a consortium or joint venture must provide an original SARS tax clearance certificate.

A trust, consortium or joint venture will qualify for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate tender.



Regarding joint ventures the joint venture agreement between the different suppliers must be provided clearly indicating the role and responsibilities of each supplier towards the contract.



#### **SPECIAL CONDITIONS OF CONTRACT**

**Special conditions of Contract (SCC) relevant to a specific bid, (if applicable) should be compiled separately for every bid and will supplement the General Conditions of Contract. Whenever there is a conflict, the provisions of the SCC shall prevail. The following conditions will be applicable to this bid:**

- 1. Sub-contracting will not be allowed**

**The following Standard Bid documents must be completed and will form part of a signed contract.**

**PART A  
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)**

|  |
|--|
|  |
|  |
|  |

|                                                       |                                                |
|-------------------------------------------------------|------------------------------------------------|
| <b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b> | <b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b> |
|-------------------------------------------------------|------------------------------------------------|

|                  |  |                  |  |
|------------------|--|------------------|--|
| 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]<br>Yes                      No |  | B-BBEE STATUS LEVEL SWORN AFFIDAVIT | [TICK APPLICABLE BOX]<br>Yes                      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? | Yes                      No<br>[IF YES ENCLOSE PROOF] | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | Yes<br>No<br>[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 |
| <b>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.</b> |     |    |

## 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](http://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."

## 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).

**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 11:00  | Closing date..... |

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

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

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

**NOTE: PRICE ADJUSTMENTS WILL BE ALLOWED AT THE PERIODS AND TIMES SPECIFIED IN THE BIDDING DOCUMENTS.**

**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 11:00 ..... Closing date.....

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

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

- 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

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

\*Delete if not applicable

PRICE ADJUSTMENTS

**A NON-FIRM PRICES SUBJECT TO ESCALATION**

1. IN CASES OF PERIOD CONTRACTS, NON FIRM PRICES WILL BE ADJUSTED (LOADED) WITH THE ASSESSED CONTRACT PRICE ADJUSTMENTS IMPLICIT IN NON FIRM PRICES WHEN CALCULATING THE COMPARATIVE PRICES
2. IN THIS CATEGORY PRICE ESCALATIONS WILL ONLY BE CONSIDERED IN TERMS OF THE FOLLOWING FORMULA:

$$Pa = (1 - V)Pt \left( D1 \frac{R1t}{R1o} + D2 \frac{R2t}{R2o} + D3 \frac{R3t}{R3o} + D4 \frac{R4t}{R4o} \right) + VPt$$

Where:

- Pa = The new escalated price to be calculated.
- (1-V)Pt = 85% of the original bid price. **Note that Pt must always be the original bid price and not an escalated price.**
- D1, D2.. = Each factor of the bid price eg. labour, transport, clothing, footwear, etc. The total of the various factors D1, D2...etc. must add up to 100%.
- R1t, R2t..... = Index figure obtained from new index (depends on the number of factors used).
- R1o, R2o = Index figure at time of bidding.
- VPt = 15% of the original bid price. This portion of the bid price remains firm i.e. it is not subject to any price escalations.

3. The following index/indices must be used to calculate your bid price:

Index..... Dated..... Index..... Dated..... Index..... Dated.....

Index..... Dated..... Index..... Dated..... Index..... Dated.....

4. FURNISH A BREAKDOWN OF YOUR PRICE IN TERMS OF ABOVE-MENTIONED FORMULA. THE TOTAL OF THE VARIOUS FACTORS MUST ADD UP TO 100%.

**B PRICES SUBJECT TO RATE OF EXCHANGE VARIATIONS**

1. Please furnish full particulars of your financial institution, state the currencies used in the conversion of the prices of the items to South African currency, which portion of the price is subject to rate of exchange variations and the amounts remitted abroad.

| <b>PARTICULARS OF FINANCIAL INSTITUTION</b> | <b>ITEM NO</b> | <b>PRICE</b> | <b>CURRENCY</b> | <b>RATE</b> | <b>PORTION OF PRICE SUBJECT TO ROE</b> | <b>AMOUNT IN FOREIGN CURRENCY REMITTED ABROAD</b> |
|---------------------------------------------|----------------|--------------|-----------------|-------------|----------------------------------------|---------------------------------------------------|
|                                             |                |              |                 | ZAR=        |                                        |                                                   |
|                                             |                |              |                 | ZAR=        |                                        |                                                   |
|                                             |                |              |                 | ZAR=        |                                        |                                                   |
|                                             |                |              |                 | ZAR=        |                                        |                                                   |
|                                             |                |              |                 | ZAR=        |                                        |                                                   |
|                                             |                |              |                 | ZAR=        |                                        |                                                   |

2. Adjustments for rate of exchange variations during the contract period will be calculated by using the average monthly exchange rates as issued by your commercial bank for the periods indicated hereunder: (Proof from bank required)

| <b>AVERAGE MONTHLY EXCHANGE RATES FOR THE PERIOD:</b> | <b>DATE DOCUMENTATION MUST BE SUBMITTED TO THIS OFFICE</b> | <b>DATE FROM WHICH NEW CALCULATED PRICES WILL BECOME EFFECTIVE</b> | <b>DATE UNTIL WHICH NEW CALCULATED PRICE WILL BE EFFECTIVE</b> |
|-------------------------------------------------------|------------------------------------------------------------|--------------------------------------------------------------------|----------------------------------------------------------------|
|                                                       |                                                            |                                                                    |                                                                |
|                                                       |                                                            |                                                                    |                                                                |
|                                                       |                                                            |                                                                    |                                                                |



**PRICING SCHEDULE**  
(Professional Services)

|                          |                   |
|--------------------------|-------------------|
| Name of Bidder.....      | Bid number.....   |
| Closing Time 11:00 ..... | Closing date..... |

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

| ITEM NO. | DESCRIPTION                                                                                                                                                                                   | BID PRICE IN RSA CURRENCY<br>**(ALL APPLICABLE TAXES INCLUDED) |                      |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|----------------------|
| 1.       | The accompanying information must be used for the formulation of proposals.                                                                                                                   |                                                                |                      |
| 2.       | Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project. | R.....                                                         |                      |
| 3.       | PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)                                                                        |                                                                |                      |
| 4.       | PERSON AND POSITION                                                                                                                                                                           | HOURLY RATE                                                    | DAILY RATE           |
|          | -----                                                                                                                                                                                         | R-----                                                         | -----                |
|          | -----                                                                                                                                                                                         | R-----                                                         | -----                |
|          | -----                                                                                                                                                                                         | R-----                                                         | -----                |
|          | -----                                                                                                                                                                                         | R-----                                                         | -----                |
|          | -----                                                                                                                                                                                         | R-----                                                         | -----                |
| 5.       | PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT                                                                                              |                                                                |                      |
|          | -----                                                                                                                                                                                         | R-----                                                         | ----- days           |
|          | -----                                                                                                                                                                                         | R-----                                                         | ----- days           |
|          | -----                                                                                                                                                                                         | R-----                                                         | ----- days           |
|          | -----                                                                                                                                                                                         | R-----                                                         | ----- days           |
| 5.1      | Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.    |                                                                |                      |
|          | DESCRIPTION OF EXPENSE TO BE INCURRED                                                                                                                                                         | RATE                                                           | QUANTITY      AMOUNT |
|          | -----                                                                                                                                                                                         | .....                                                          | .....      R.....    |
|          | -----                                                                                                                                                                                         | .....                                                          | .....      R.....    |
|          | -----                                                                                                                                                                                         | .....                                                          | .....      R.....    |
|          | -----                                                                                                                                                                                         | .....                                                          | .....      R.....    |
|          |                                                                                                                                                                                               | TOTAL: R.....                                                  |                      |

\*\* "all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance fund

5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

| DESCRIPTION OF EXPENSE TO BE INCURRED | RATE  | QUANTITY | AMOUNT |
|---------------------------------------|-------|----------|--------|
| .....                                 | ..... | .....    | R..... |
| .....                                 | ..... | .....    | R..... |
| .....                                 | ..... | .....    | R..... |
| .....                                 | ..... | .....    | R..... |
| TOTAL: R.....                         |       |          |        |

- 6. Period required for commencement with project after acceptance of bid .....  
.....
- 7. Estimated man-days for completion of project .....  
.....
- 8. Are the rates quoted firm for the full period of contract? \*YES/NO
- 9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index. ....  
.....  
.....  
.....

**\*[DELETE IF NOT APPLICABLE]**

---

Any enquiries regarding bidding procedures may be directed to the –

(INSERT NAME AND ADDRESS OF DEPARTMENT/ENTITY)

Tel:

Or for technical information –

(INSERT NAME OF CONTACT PERSON)

Tel:

## 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 **YES / NO**



**4 DECLARATION**

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.  
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF  
THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

May 2011

**This document must be signed and submitted together with your bid**

## **THE NATIONAL INDUSTRIAL PARTICIPATION PROGRAMME**

### **INTRODUCTION**

The National Industrial Participation (NIP) Programme, which is applicable to all government procurement contracts that have an imported content, became effective on the 1 September 1996. The NIP policy and guidelines were fully endorsed by Cabinet on 30 April 1997. In terms of the Cabinet decision, all state and parastatal purchases / lease contracts (for goods, works and services) entered into after this date, are subject to the NIP requirements. NIP is obligatory and therefore must be complied with. The Industrial Participation Secretariat (IPS) of the Department of Trade and Industry (DTI) is charged with the responsibility of administering the programme.

### **1 PILLARS OF THE PROGRAMME**

- 1.1 The NIP obligation is benchmarked on the imported content of the contract. Any contract having an imported content equal to or exceeding US\$ 10 million or other currency equivalent to US\$ 10 million will have a NIP obligation. This threshold of US\$ 10 million can be reached as follows:
- (a) Any single contract with imported content exceeding US\$10 million.
  - or
  - (b) Multiple contracts for the same goods, works or services each with imported content exceeding US\$3 million awarded to one seller over a 2 year period which in total exceeds US\$10 million.
  - or
  - (c) A contract with a renewable option clause, where should the option be exercised the total value of the imported content will exceed US\$10million.
  - or
  - (d) Multiple suppliers of the same goods, works or services under the same contract, where the value of the imported content of each allocation is equal to or exceeds US\$ 3 million worth of goods, works or services to the same government institution, which in total over a two (2) year period exceeds US\$10 million.
- 1.2 The NIP obligation applicable to suppliers in respect of sub-paragraphs 1.1 (a) to 1.1 (c) above will amount to 30 % of the imported content whilst suppliers in respect of paragraph 1.1 (d) shall incur 30% of the total NIP obligation on a *pro-rata* basis.
- 1.3 To satisfy the NIP obligation, the DTI would negotiate and conclude agreements such as investments, joint ventures, sub-contracting, licensee production, export promotion, sourcing arrangements and research and development (R&D) with partners or suppliers.

1.4 A period of seven years has been identified as the time frame within which to discharge the obligation.

## **2 REQUIREMENTS OF THE DEPARTMENT OF TRADE AND INDUSTRY**

2.1 In order to ensure effective implementation of the programme, successful bidders (contractors) are required to, immediately after the award of a contract that is in excess of **R10 million** (ten million Rands), submit details of such a contract to the DTI for reporting purposes.

2.2 The purpose for reporting details of contracts in excess of the amount of R10 million (ten million Rands) is to cater for multiple contracts for the same goods, works or services; renewable contracts and multiple suppliers for the same goods, works or services under the same contract as provided for in paragraphs 1.1.(b) to 1.1. (d) above.

## **3 BID SUBMISSION AND CONTRACT REPORTING REQUIREMENTS OF BIDDERS AND SUCCESSFUL BIDDERS (CONTRACTORS)**

3.1 Bidders are required to sign and submit this Standard Bidding Document (SBD 5) together with the bid on the closing date and time.

3.2 In order to accommodate multiple contracts for the same goods, works or services; renewable contracts and multiple suppliers for the same goods, works or services under the same contract as indicated in sub-paragraphs 1.1 (b) to 1.1 (d) above and to enable the DTI in determining the NIP obligation, successful bidders (contractors) are required, immediately after being officially notified about any successful bid with a value in excess of R10 million (ten million Rands), to contact and furnish the DTI with the following information:

- Bid / contract number.
- Description of the goods, works or services.
- Date on which the contract was accepted.
- Name, address and contact details of the government institution.
- Value of the contract.
- Imported content of the contract, if possible.

3.3 The information required in paragraph 3.2 above must be sent to the Department of Trade and Industry, Private Bag X 84, Pretoria, 0001 for the attention of Mr Elias Malapane within five (5) working days after award of the contract. Mr Malapane may be contacted on telephone (012) 394 1401, facsimile (012) 394 2401 or e-mail at [Elias@thedti.gov.za](mailto:Elias@thedti.gov.za) for further details about the programme.

## **4 PROCESS TO SATISFY THE NIP OBLIGATION**

4.1 Once the successful bidder (contractor) has made contact with and furnished the DTI with the information required, the following steps will be followed:

- a. the contractor and the DTI will determine the NIP obligation;
- b. the contractor and the DTI will sign the NIP obligation agreement



- c. the contractor will submit a performance guarantee to the DTI;
- d. the contractor will submit a business concept for consideration and approval by the DTI;
- e. upon approval of the business concept by the DTI, the contractor will submit detailed business plans outlining the business concepts;
- f. the contractor will implement the business plans; and
- g. the contractor will submit bi-annual progress reports on approved plans to the DTI.

4.2 The NIP obligation agreement is between the DTI and the successful bidder (contractor) and, therefore, does not involve the purchasing institution.

|                     |                      |
|---------------------|----------------------|
| Bid number .....    | Closing date:.....   |
| Name of bidder..... |                      |
| Postal address..... |                      |
| Signature.....      | Name (in print)..... |
| Date.....           |                      |

**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:

|                                                          | <b>POINTS</b> |
|----------------------------------------------------------|---------------|
| <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.



| 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<br>√ | QSE<br>√ |
|-------------------------------------------------------------------|----------|----------|
| 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

v) 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.

|                                                |                                                                                  |
|------------------------------------------------|----------------------------------------------------------------------------------|
| <p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p> | <p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS</p> |
|------------------------------------------------|----------------------------------------------------------------------------------|

## 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) on the date of advertisement of the bid as indicated in paragraph 3.1 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_development/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:**

| <u>Description of services, works or goods</u> | <u>Stipulated minimum threshold</u> |
|------------------------------------------------|-------------------------------------|
| _____                                          | _____ %                             |
| _____                                          | _____ %                             |
| _____                                          | _____ %                             |

**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 on the date of advertisement of the bid.

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

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

| <b>Currency</b> | <b>Rates of exchange</b> |
|-----------------|--------------------------|
| 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.**

**LOCAL CONTENT DECLARATION**  
**(REFER TO ANNEX B OF SATS 1286:2011)**

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**



**IN RESPECT OF BID NO.** .....

**ISSUED BY:** (Procurement Authority / Name of Institution):  
.....

NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thedti.gov.za/industrial\\_development/ip.jsp](http://www.thedti.gov.za/industrial_development/ip.jsp). Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, ..... (full names),  
do hereby declare, in my capacity as .....  
of .....(name of bidder entity), the  
following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

|                                                                    |   |
|--------------------------------------------------------------------|---|
| Bid price, excluding VAT (y)                                       | R |
| Imported content (x), as calculated in terms of SATS 1286:2011     | R |
| Stipulated minimum threshold for local content (paragraph 3 above) |   |
| Local content %, as calculated in terms of SATS 1286:2011          |   |

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.**

**The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E.**

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**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-
- abused the institution's supply chain management system;
  - committed fraud or any other improper conduct in relation to such system; or
  - failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

| Item  | Question                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Yes                             | No                             |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------------|
| 4.1   | Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?<br><b>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</b><br><br>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. | Yes<br><input type="checkbox"/> | No<br><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)?<br><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<br><input type="checkbox"/> | No<br><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<br><input type="checkbox"/> | No<br><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<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.4.1 | If so, furnish particulars:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                 |                                |

**CERTIFICATION**

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

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

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

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *per se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_  
(Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_  
(Name of Institution)

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

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

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
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;
- 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 Bidder