



Request for Quotation

You are hereby invited to submit a quotation for the Culture Arts, Tourism, Hospitality and Sports Sector Education and Training Authority (CATHSSETA)

SBD 1

Description	Appointment of a suitably qualified and experienced service provider to submit proposals for the facilitation of the CATHSSETA Board Strategic Planning Session.		
Date issued	07 October 2020	RFQ number	
Closing Date:	13 October 2020	Closing Time:	11:00am
<u>CSD</u> Registration number			



Requirements

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

Bid documents may be:

1. **Posted to:**
P.O. Box 1329
Rivonia
2128

2. **OR**
Deposited in the box situated at Cathsseta head office:
Ground Floor, Nedbank House
1 Newtown Avenue
Killarney, Johannesburg

Bidders should ensure that bids are delivered timorously to the correct address. If the bid is late, it will not be accepted for consideration.

All bids must be submitted on the official forms (not to be re-typed).

This bid is subject to the Preferential Procurement Policy Framework Act and The Preferential Procurement Regulations, 2017; The General Conditions of Contract (GCC) and if applicable, any other special conditions of contract.



The following particulars must be furnished
(failure to do so may result in your bid being disqualified):

Name of bidder

Postal Address

Street Address

Telephone Number

Code:

Number:

Cellphone Number

Facsimile Number

Email Address

VAT Registration Number

Has an original and valid tax clearance certificate been submitted? (SBD 2)

Yes

No

Has a B-BBEE Status Level Verification Certificate been submitted? (SBD 6.1)

Yes

No



If yes, who was the certificate issued by? [tick applicable box]

<input type="checkbox"/>	An accounting officer as contemplated in the Close Corporation Act (CCA)
<input type="checkbox"/>	A verification agency accredited by the South African Accreditation System (SANAS)
<input type="checkbox"/>	A registered auditor

NOTE: a B-BBEE Status Level Verification Certificate must be submitted in order to qualify for preference points for B-BBEE

Are you an accredited representative in South Africa for the goods / services / work offered?

Yes	No	[If yes, please enclose proof]
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Total Bid Price:

Total number of items offered:

Signature of bidder

Capacity under which this bid is signed

Date

Enquiries regarding the bidding procedure may be emailed to: supplychain@cathsseta.org.za



1. BACKGROUND TO CATHSSETA

CATHSSETA is a statutory body established through the Skills Development Act of 1998. It is a schedule 3(a) listed public entity in terms of the Public Finance Management Act (PFMA) (Act 1 of 1999 as amended), and is accountable to the National Department of Higher Education and Training (DHET). CATHSSETA conducts its activities within the following six sub-sectors:

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

The National Treasury Instruction No. 05 of 2019/20 requires national and provincial institutions to implement the Revised Framework for Strategic Plans and Annual Performance Plans (2019).

- The Sector Skills Plan

The SSP is prepared by the SETA in accordance with the guidelines included in the National Skills Development Plan (NSDP), as well as the DHET SSP guidelines and requirements. The main purpose of the SSP is to analyse the demand and supply of skills to the sector and, on the basis of this analysis, determine the skills needs and the skills development priorities for the sector. The plan highlights strategies for addressing skills needs and intervention priorities.

- The Strategic Plan

In order for CATHSSETA to ensure the attainment of its development outcomes and set out high-level service delivery commitments and targets, a planning process needs to be adopted to develop a sound SP. The SP is used by the Accounting Authority to monitor and oversee the organisation's performance during the 5 year licensing period. The SP reflects a commitment to the realisation of the full mandate and strategic intent of the entity.

- The Annual Performance Plan



The APP highlights CATHSSETA's development outcomes by placing emphasis on targets aligned to the outcomes of the NSDP. Parameters are set for the achievement of targets as set in the Service Level Agreement (SLA) with DHET. The APP is not only utilised by the Accounting Authority to monitor the organisation's annual performance, but the DHET as well places emphasis on SETA performance. Performance against the APP is monitored on a quarterly basis to ensure service delivery.

2. BACKGROUND

CATHSSETA is required to prepare and submit its Sector Skills Plan (SSP), Strategic Plan (SP), and the Annual Performance Plan (APP) to the Department of Higher Education and Training (DHET) on an annual basis. Planning and preparation for service delivery has become critical in ensuring that envisioned organisational outcomes are met. Aligning the organisational strategy to the outcomes of the NSDP and developments in the performance environment is critical in the planning process and requires the involvement of all stakeholders to ensure resources are properly allocated to address identified priority areas.

In light of the revised Department of Planning, Monitoring and Evaluation (DPME) Framework for Strategic and Annual Performance Plans and the impact of COVID-19 on CATHSSETA sub-sectors, it is critical that the CATHSSETA Board dedicate time to review the SETAs strategy for the period 2020/21 – 2024/25. A three day strategic planning session with the Board will take place at an offsite location from the 20th October to the 22nd October 2020.

3. PURPOSE

The purpose of this request is to invite suitably qualified and experienced service providers to submit proposals to facilitate a CATHSSETA Board Strategic Planning Session.



3.1 Scope of Work

- To facilitate the Board Strategic Planning Session in line with the CATHSSETA planning process and DPME Framework for Strategic and Annual Performance Plans;
- Source an Industry Expert with extensive knowledge to address the Board on latest developments and trends impacting CATHSSETA sub-sectors and anticipated implications for skills development;
- Facilitate a participatory and engaged session wherein all participants gain a deeper understanding of the strategic planning process for public entities;
- Facilitate participatory engagement on the organisation's Theory of Change;
- Facilitate discussions on the performance environment and CATHSSETA strategy, i.e. envisioned outcomes and impact as set out in the CATHSSETA Strategic Plan and Annual Performance Plan;
- The facilitator will preside, facilitate and direct a three (3) day strategic session planned for the 20th October to the 22nd October 2020.
- Preparing for the session:
 - CATHSSETA document review (CATHSSETA Constitution, Sector Skills Plan, Strategic Plan, Annual Performance Plan, DPME Framework for Strategic and Annual Performance Plans)
 - Baseline Consultation
 - Development and preparation of facilitation material
- The facilitator will be accompanied by their own secretariat:
 - Support the facilitator and CATHSSETA Board during the course of the session
 - Take notes throughout the session
 - Prepare a detailed report to be presented as the last agenda item of the session - outlining key highlights, outcomes, and resolutions or decisions made
- Develop a post-session report outlining:
 - Discussions, key highlights and outcomes of the session
 - Organisational strategy
 - Situational analysis
 - Explicit Theory of Change
 - Recommendations



The facilitator should demonstrate the following competencies:

- Expert skills in organisational strategy with a key focus in facilitating and implementing strategic sessions;
- Expert skills in Monitoring and Evaluation;
- Demonstrate understanding of the DPME Framework for Strategic and Annual Performance Plans;
- Demonstrate understanding of the National Skills Development Plan and accompanying outcomes;
- Thorough knowledge and understanding of SETA Constitution and Kind IV principles;
- Governance knowledge and experience in a SETA context or environment including having actively been involved in the sector at a strategic level;
- Governance knowledge and experience in a SETA context or environment including having a;
- Strong understanding and knowledge of the post-school education and training sector;
- Experience in strategy development in skills development, education and training;
- A good understanding of the CATHSSETA operating environment and the six sub-sectors;
- Facilitation of strategic thinking in the context of CATHSSETA mandate
- Facilitation of creative thinking methodologies in problem solving

4. PERIOD OF PERFORMANCE

The services are required for the 20th – 22nd October 2020 for the CATHSSETA Board Strategic Planning Session.

5. SERVICE PROVIDERS RESPONSIBILITIES

The facilitator will be expected to facilitate discussions to allow everyone to participate in the planning session and bring a deeper level of understanding, communication and focus.



6. TERMS AND CONDITIONS

- The Request for Quotation is not and shall not be considered an offer by CATHSSETA.
- All responses must be received on or before the date and time indicated below.
- All late responses will be rejected.
- All unresponsive responses will be rejected.
- Prices proposed must be valid for entire period provided by respondent or required by RFQ.
- The RFQ should be submitted with a detailed proposal of service.
- Quotations must be submitted with a detailed cost breakdown and total price must be inclusive of VAT.
- All awards will be subject to CATHSSETA contractual terms and conditions.
- CATHSSETA reserves the right to accept or reject any quotations or cancel the solicitation process at any time, and shall have no liability to the proposing organisations submitting proposals for such rejection or cancellation of the request for quotation.
- CATHSSETA reserves the right to accept all or part of the proposal when award is provided.
- The CATHSSETA reserves the right to invite short listed service providers to present their proposals for final decision.

7. FUNCTIONALITY EVALUATION CRITERIA

Responses will be evaluated in accordance with the following functionality criteria:

7.1 Evaluation Criteria for Functionality		Weight/ Points
1.	General approach and methodology	50
2.	Experience/proven track record in Facilitator Services	30
3.	Reference letters	20
	Total	100
7.2 Technical Evaluation criteria		
Item	Scores	



General approach and methodology	
Full responsiveness to RFQ requirements	50
Partial responsiveness to RFQ requirements	25
Not responsive to RFQ requirements	0
7.3 Experience/proven track record in Facilitator Services	
More than 8 years' experience	30
5 years' experience	20
Less than 5 years' experience	10
7.4 Reference letters	
More than 3 reference letters	20
3 reference letters	15
2 reference letters	10
1 reference letter	5
no reference letter	0
TOTAL	100
7.5 Reference letters	
Certified copies to be valid within 6 months of the date of this request.	
Bidders must score a minimum qualifying score for functionality	
70 points out of 100	

All Responses that will achieve the minimum qualifying score **70 out of 100** (acceptable tenders) will be evaluated further in terms of the price and preference point system as follows:

Criteria	Points
Price	80
B-BBEE	20
Total	100 points

NOTE: the failure to attach proof of valid BBEE will result in the forfeiture of preference points



8. PRICING SCHEDULE

Provide the total cost of product as per **aforementioned section (3.1)** of the specific deliverables and milestones

Item No.	Description	Quantity	Unit	Total Price (VAT excluded)	Total Price (VAT included)
1.	CATHSSETA Board Strategic Planning Session	1	Sum		

9. SUBMISSION OF QUOTES

The following documents are mandatory; failure to submit the below documents will disqualify your bid:

- Government Procurement: General Conditions of Contracts are obtainable from <http://www.cathsseta.org.za> conditions of contracts;
- Original, and Valid Tax Clearance Certificate;
- SBD 4, 8 and 9 (Completed and signed)
- Company Registration Form
- Preference point system and BBBEE certificate (optional)
- The proposal must be valid for 60 days from the closing date of bid.

10. CONTACT DETAILS AND DISCLAIMER

CASTSSETA reserves the right to engage with more than one service provider, and to apply and follow CASTSSETA Supply Chain Management guidelines. **All costs incurred in drafting the quotation are those of the service provider.**



11. CLOSING DATE

The quotations must be submitted by no later than **Wednesday, 13th October 2020 at 11:00** and must be hand delivered to the following address for the attention:

Supply Chain Management Unit,
CATHSSETA
01 Newtown Avenue,
Johannesburg
Killarney,
2193

12. 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.

- ✚ In order to meet these 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.
- ✚ 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.
- ✚ The original Tax Clearance Certificate must be submitted together with the bid.
- ✚ In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- ✚ 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.
- ✚ 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.



DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

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

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

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:.....

2.3 Position occupied in the Company (director, trustee, shareholder², member):
.....

2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:
.....

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.

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



presently employed by the state?

2.7.1 If so, furnish the following particulars:

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

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

Position occupied in the state institution:

Any other particulars:

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

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

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

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

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

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

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

2.8.1 If so, furnish particulars:

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

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.

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



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

YES/NO

1 If so, furnish particulars.

.....

Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES/NO

1 If so, furnish particulars:

.....

Full details of directors / trustees / members / shareholders

Full Name	Identity Number	Personal Income Tax Reference Number	State Employee Number / Pearsal Number

¹"State" means –

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

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



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 SHOULD THIS
DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

November 2011



SBD 6.1



PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

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

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

1. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

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

1.3 Preference points for this bid shall be awarded for:

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

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

	POINTS
1.3.1.1 PRICE
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION
Total points for Price and B-BBEE must not exceed	100

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

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



2. DEFINITIONS

- 2.1 “**all applicable taxes**” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 “**B-BBEE status level of contributor**” means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 “**bid**” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 “**comparative price**” means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 “**consortium or joint venture**” means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- 2.8 “**contract**” means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 “**EME**” means any enterprise with an annual total revenue of R5 million or less .
- 2.10 “**Firm price**” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 “**functionality**” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 “**non-firm prices**” means all prices other than “firm” prices;
- 2.13 “**person**” includes a juristic person;
- 2.14 “**rand value**” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 “**sub-contract**” means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 “**total revenue**” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;



- 2.17 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \text{or} & P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)
 \end{array}$$

Where

- Ps = Points scored for comparative price of bid under consideration
- Pt = Comparative price of bid under consideration
- Pmin = Comparative price of lowest acceptable bid



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

5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

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

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

5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

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

5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

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

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



BID DECLARATION

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

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

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

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

8 SUB-CONTRACTING

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

8.1.1 If yes, indicate:

What percentage of the contract will be subcontracted?	The name of the sub-contractor?	The B-BBEE status level of the sub-contractor?	Whether the sub-contractor is an EME?

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm

9.2 VAT registration number :.....

9.3 Company registration number

:

9.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium/Trust
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....



9.6 COMPANY CLASSIFICATION

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

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

9.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution

WITNESSES:

1.

1.

.....

SIGNATURE(S) OF BIDDER(S)

DATE:.....
 ADDRESS:.....



SBD 8

DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury’s Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury’s website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury’s website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		



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

SBD 8

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js365bW



SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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



CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

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

SBD 9

1. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
2. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
3. 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.
4. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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



SBD 9

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js914w 2