



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)

Date issued	30 JULY 2021	RFQ number	EXEC/006/2021
Closing Date:	06 AUGUST 2021	Closing Time:	15:00pm
DESCRIPTION	CATHSSETA SEEKS A SERVICE PROVIDER TO PROVIDE RECRUITMENT AND HEADHUNTING SERVICES.		

CATHSSETA seeks to appoint a suitably qualified service provider to assist in the recruitment of two (2) Executives, namely **Chief Financial Officer (CFO)** and **Executive Manager: Corporate Services**. The service includes recruiting candidates at senior executive management level who possess the requisite skills that are unique and hard-to-find. Due to time constraints, CATHSSETA requires the services of a high-end service provider to assist with the filling of the vacancies through a hybrid process which may involve identifying suitable candidate through the headhunting of and soliciting response through the placement of job advertisements.



SBD 1

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? [applicable tick 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 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:

A total number of items offered:

Signature of bidder

Capacity under which this bid is signed

Date

Enquiries may be emailed to: supplychain@cathsseta.org.za



1. BACKGROUND TO CATHSSETA

The Skills Development Act No 97 of 1998 as amended (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. Accordingly, the Culture, Arts, Tourism, Hospitality, and Sport Sector Education and Training Authority (CATHSSETA) was established through the SDA to research and establish a nationally recognised Sector Skills Plan (SPP) supported by skills development programmes serving the interest of the following sectors:

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

These sectors are diverse and unique. They play a significant role in the economy and the broader quest for social cohesion and formulation of a uniquely 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. SCOPE OF WORK

The selected recruitment agency will provide the following recruitment services:

- **Searching and headhunting.** The recruitment agency shall explore prospective candidates from its rich database, other sources, and headhunting to match the skills and qualifications required by the specific job specification. To achieve this, the agency may be required to undertake labour market analysis, tap networks of professional affiliations, and leverage social media and other traditional and non-traditional candidate sourcing methods.
- **Placing an advert in the weekend national newspapers** and handling all related enquiries and responses using own resources (**proof of advert will be required for payment**).
- **Analyse CV and applications** identified or received through applications or other sources and identify those who match the position.
- **Shortlisting.** The recruitment agency shall prepare a long list of a maximum of 15 candidates (for each role) of the most qualified prospective candidates to be presented to the CATHSSETA. If any of the long-listed candidates do not meet the selection panel's expectations, CATHSSETA may ask for additional candidates to be added to the list.
- **Coordinate the shortlisting of the final five (5) candidates** for the final interviews.
- **Coordinate interviews:** this will include, among others, scheduling interviews in collaboration with the Board Secretary and including sitting in during the interviews, keeping records of the proceedings and compiling the interview report in consultation with the CATHSSETA's selection panel and or hiring manager.
- **Assessment:** The recruitment agency will invite potential candidates to be assessed in consultation with Cathsseta management. The recruitment agency will coordinate the competency assessments aimed at testing each individual's potential.
- **Reference Checking.** The recruitment agency shall perform reference checks: three referees provided by the prospective candidates.
- **References checks and Competency assessments** to be performed for up to three of the top interviewed candidates per position.
- **Compile the final report** and present the report to Cathsseta Management and Structures.
- Liaise with the successful candidate, handle salary **negotiations and contracting**.



3. PERIOD OF PERFORMANCE

The period of performance of any contract resulting from this solicitation is anticipated to begin on or about 20 August 2021 and end on 20 October 2021.

4. PROJECT MANAGERS RESPONSIBILITIES

The Project Manager's responsibilities will include:

- Providing the service provider with all appropriate documentation advice and information pertinent to the positions recruited for and assisting in setting up meetings with key management staff.
- CATHSSETA Project Manager has the right to terminate or suspend this appointment and shall notify the service provider in writing of any intention to do so and the reasons for termination. In addition, the consulting service provider may only recover all approved costs thus far incurred in connection with this project.

5. SERVICE PROVIDERS RESPONSIBILITIES

- The service provider will, after signing an agreement to conduct the full scope of work for CATHSSETA and provide a line-item budget.
- Must have qualified personnel to provide the service as per the SLA
- Must have relevant experience in providing the required service
- The service provider undertakes to abide by CATHSSETA's policies and procedures and Code of Conduct while conducting the work on behalf of the organisation.

6. CONDITIONS

- a) All quotations accepted from the successful service provider will remain fixed and firm from the date of acceptance until **20 October 2021**; the service provider must consider price increases.
- b) The RFQ should be submitted with a detailed proposal of service.



- c) The proposal must be submitted with a detailed cost breakdown as indicated under **8. (Pricing)** below, and the total amount must be inclusive of VAT.
- d) A Service Level Agreement shall be signed with the preferred service provider.
- e) The CATHSSETA reserves the right to invite short-listed service providers to present their proposals for final decision.
- f) All awards will be subject to CATHSSETA contractual terms and conditions,
- g) CATHSSETA reserves the right to accept or reject any proposal or cancel the solicitation process at any time and shall have no liability to the proposing organizations submitting proposals for such rejection or cancellation of the request for proposals.
- h) CATHSSETA reserves the right to accept all or part of the proposal when the award is provided.
- i) CATHSSETA reserves the right to engage with more than one service provider and apply and follow CATHSSETA Supply Chain Management guidelines. All costs incurred in drafting the quotation are those of the service provider.

7. FUNCTIONALITY EVALUATION CRITERIA

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

CRITERIA	WEIGHTING
<p>1. Submit a detailed implementation Plan to demonstrate General approach and methodology i.e. (project timelines, resource allocation) in response to the Scope of work</p> <ul style="list-style-type: none"> - Full responsiveness to RFQ requirements - Partial responsiveness to RFQ requirements - Not responsive to RFQ requirements 	<p>50</p> <p>25</p> <p>0</p>
<p>2. Experience/proven track record in Recruitment and Headhunting Provide proof of Executive Management placements not older than five (5) years.</p> <ul style="list-style-type: none"> - More than ten years of experience - Five years' experience - Less than five years' experience 	<p>30</p> <p>20</p> <p>10</p>



Submit reference letters to demonstrate relevant/similar projects conducted in the past 5 years.	
- More than three (3) reference letters	20
- Three (3) reference letters	15
- Two (2) reference letters	10
- One (1) reference letter	5
- no reference letter	0
TOTAL	100

Service Provider must score a minimum of 70 points to proceed to evaluation on Price and BBBEE

Bids that do not meet the minimum qualifying score for functionality will be eliminated from further evaluation.

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.

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

8. PREFERENCE POINT SYSTEM

This RFQ will be evaluated through Price and BBBEE as follows:

Criteria	Points
Price	80
B-BBEE	20
Total	100 points

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



9. Pricing

- Service Provider to submit a ceiling quotation inclusive of all the eleven (11) elements covered under **2. (Scope of Work)** above.

10. MANDATORY REQUIREMENTS

The following documents are mandatory.

- Valid Tax Pin and CSD report.
- SBD 4, 6.1, 8, and 9 (Completed and signed)
- CIPC company registration certificate
- BBBEE certificate/ Affidavit
- The proposal must be valid for 60 days from the closing date of the bid.
- Minimum of three (3) reference letters of similar jobs (Executive Management placements – not older than 3 years)
- Detailed Implementation Plan (in response to the scope of work)

11. CLOSING DATE

The quotations must be submitted by no later than **06 August 2021 at 15: 00 pm** and must be e-mailed to the following e-mail address for the attention of Zanele Hlatshwayo: supplychain@cathsseta.org.za



SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes 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

"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.

"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 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 **80/20.....** preference point system shall be applicable; or
 - b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

- 1.3 Points for this bid shall be awarded for:
- (a) Price; and
 - (b) B-BBEE Status Level of Contributor.

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

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

- 1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

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

3. POINTS AWARDED FOR PRICE

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

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

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

Where

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

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

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:



B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

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

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: _____ = _____ (maximum of 10 or 20 points)
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.)

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

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

7.1.1 If yes, indicate:

- i) What _____ percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

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

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		



Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
 - One person business/sole propriety
 - Close corporation
 - Company
 - (Pty) Limited
- [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

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

8.7 Total number of years the company/firm has been in business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a



fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution.

WITNESSES
1.
2.

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



SBD 8

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>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
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>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
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.



SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

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

SBD 9

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.

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Signature

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Date

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Position

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Name of Bidder

Js914w 2