



Request for Quotation

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

SBD 1

Description	CATHSSETA seek to appoint a suitable provider to provide Industry funded learning programmes administration and management.
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Date issued	24 November 2021	RFQ number	
Closing Date:	07 December 2021	Closing Time:	11:00am
<u>CSD</u> Registration number			

270 George Road, Midrand, 1687 | P.O. Box 1329, Rivonia, 2128, South Africa Tel
No.: 0860 100 221 | 011 217 0600 | Email: supplychain@cathsseta.org.za

Requirement

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

Bid documents to be emailed to supplychain@cathsseta.org.za before closing date and Time.

Bidders should ensure that bids are delivered timeously to the correct address. Late bids 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]

	An accounting officer as contemplated in the Close Corporation Act (CCA)
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	A verification agency accredited by the South African Accreditation System (SANAS)
	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]

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

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 (SPP) 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.

The importance of the three areas are the points of integration between them.

2. PURPOSE

The purpose of the terms of reference (TOR) is to invite proposals for appointing a service provider(s), who are independent from the CATHSSETA to provide industry funded administration and management for a period of **12 months** on the following:

1. Manage Industry funded learning programmes administration and reporting (registered Learnerships and Skills programmes); and
2. Conduct Workplace Validation and Approval;

The independent service provider must recognise and embrace the principles of transparency, openness, equity, access and fairness in the allocation and disbursement of Grants and learning programmes administration without prejudice to any stakeholder.

3. SCOPE OF WORK

3.1 Service Delivery Objectives:

The appointed service providers will assist applicants with the application process and compilation of all relevant documents in support of application for ancillary functions to prospective applicants as follows:

A. Manage the Administration of Industry Funded Learning Projects

NSDP puts emphasis on the need to train employed workers to improve the overall productivity of the economy and address skills imbalances. CATHSSETA as a training authority for its specific sub sectors manages the registration and document management of industry funded learning programmes and projects. Industry funded learning programmes and projects are learnership and skills programmes that are being implemented and funded by the industry and not CATHSSETA. Employers and training providers declare interest to provide their employees with learnerships and skills programmes on quarterly basis nationally. This process requires CATHSSETA to manage the registration process and ensure that documents are filed and achieved for certification and audit purposes. Duties aligned to management of industry funded learning programmes include:

1. On entry of all industry funded learners, conduct workplace validation visits to training providers and collect all information for industry funded;
2. Validate performance information before reporting of learning either on entry and completion of both industry and seta funded learners;
3. Support and assist the CATHSSETA in conducting induction, M&E and site visits, liaise with the service providers and employers for continuous feedback and information dissemination;
4. Register learners on the CATHSSETA management system upon receiving prescribed documentation (signed learner agreements, recently certified ID copies, CV and certificates or statement of results) in line with the DHET validation guidelines of performance information;

5. Manage CATHSSETA Quarterly Monitoring Report (SETMIS), upload and conduct monthly QMR audit;
6. Submit all project files onto the central filing system and archive all project data;
7. Compile and submit monthly progress reports including recommendations for each project attended to every month;
8. Manage printing of certificates and ensure that they are disseminated to the employers and training providers; and
9. Manage stakeholder relations
10. A detailed project proposal and implementation plan must include all activities and show all work breakdown, costing and timelines:
 - a) Project proposal should demonstrate the bidder's understanding of the Skills Development fraternity, Industry funded learning programmes administration processes and reporting periods;
 - b) Project Implementation methodology and approach;
 - c) Proposed project implementation, progress reports and close-out reporting; and
 - d) Project risks and constraints with mitigation strategies

3.2 Competence and expertise requirements:

1. Have an understanding of the following legislative and regulatory background:
 - a) Section 29 of the Constitution;
 - b) National Development Plan;
 - c) National skills accord;
 - d) National HRD Strategy of South Africa;
 - e) National Skills Development Plan (NSDP);
 - f) White Paper on Post-School Education and Training;
 - g) Broad-Based Black Economic Empowerment Act 53 of 2003 (as amended);
 - h) Skills Development Act 97 Of 1998 as amended;
 - i) Skills Development Levies Act 9 of 1999;

- j) PAJA (Act 3 of 2000) and POPI Act (Act 4 of 2013);
 - k) Public Finance Management Act (1 of 1999 as amended) and Regulations;
 - l) Basic Conditions of Employment Act 75 of 1997: Sectoral Determination No 5: Learnerships;
 - m) The SETA Grant Regulations, Notice No. 35940 of 2012;
 - n) SETA Workplace-Based Learning Programme Agreement Regulations (2018).
2. Have experienced personnel where key staff assigned to the project have at least 5 years' experience in the SETA environment and have experience in Learning Programmes and Grant funding management (provide CV's and certified certificates)
 3. Have sophisticated information management systems manage data volumes to be received from CATHSSETA
 4. Have capacity and resources to successfully complete the program.
 5. Have capacity to conduct workplace validation and site visits
 6. Have capacity and resources to support employers with the Mandatory Grant, Discretionary Grant and Strategic Projects in the applicable financial year
 7. Have the experience and capacity to implement the project requirements.
 8. Submit reports (including close out report) as outlined in the contract.

3.3 Minimum Required Information

The prospective service provider must also supply the following:

- 3.3.1 A quotation as per the scope of work above.
- 3.3.2 Valid tax clearance certificate.
- 3.3.3 Valid BEE certificate.
- 3.3.4 Proof of registration on the Central Supplier Database.
- 3.3.5 Completed Declaration of Interest form Standard Bidding Document (SBD)4 form, and other SBD forms

3.4 Monitoring and report requirements after contract is signed

Management Reports

- 1) Implementation plan and schedule for the project
- 2) Application, workplace validation and approval for learning programmes (Learnerships and Skills programmes)
- 3) Progress report on monthly basis
- 4) Close out report in the last month
 - a) Preliminary closeout report
 - b) Final Close out report
- 5) Any other reports that CATHSSETA may deem necessary from time to time.

4. PROJECT MANAGERS RESPONSIBILITIES

Project Manager's responsibilities will include:

- Providing the service provider with all appropriate documentation advice and information pertinent to the position recruited for as well as assist 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. 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 undertakes to abide by CATHSSETA's policies and procedures and Code of Conduct whilst conducting the work on its behalf.

6. TERMS AND CONDITIONS

- The Request for Proposal 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.
- Percentages proposed must be valid for entire period provided by respondent or required by RFQ.
- All awards will be subjected to CATHSSETA contractual terms and conditions.
- 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.
- CATHSSETA reserves the right to accept all or part of the proposal when award is provided.

7. CONDITIONS

- a) All quoted prices accepted from the successful service provider/s will remain fixed and firm from date of acceptance until the project completion, the service provider/s must take this into consideration.
- b) The RFQ should be submitted with a detailed proposal of service.
- c) Proposal must be submitted with a detailed cost breakdown and total amounts 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.

8. EVALUATION CRITERIA

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

Evaluation criteria That will be used to evaluate functionality

Evaluation criteria	Sub evaluation criteria	Points allocation for sub-evaluation criteria
Detailed methodology and project implementation plan in response to the scope of work and	<ul style="list-style-type: none"> • Detailed methodology, approach and Implementation plan provided is fully completed, displays detailed costing, clear timeframes and meets all 10 activities in the detailed scope of work; • Detailed methodology, approach Implementation plan provided is completed, contains some costing, timeframes and responds to 8-9 activities in the scope of work; • Detailed methodology, approach Implementation plan provided is completed, contains some costing, timeframes and responds to 6-7 activities in the scope of work; • Methodology, approach Implementation plan provided is incomplete and lacks detailed costing and clear timeframes in response to the scope of work with 5 or less activities 	<p>50</p> <p>30</p> <p>20</p> <p>0</p>
Competence and expertise requirements and understanding of the Skills Development Environment	<ul style="list-style-type: none"> • Demonstrated all 8 requirements in relation to competence and expertise including understanding of SETA environment and expertise of at least 6 years experience of key staff within a SETA environment; • Demonstrated 6 - 7 requirements in relation to competence and expertise including understanding of SETA environment and expertise of at least 6 years experience of key staff within a SETA environment 	<p>30</p> <p>25</p> <p>10</p>

	<ul style="list-style-type: none"> • Demonstrated 4-5 requirements in relation to competence and expertise including understanding of SETA environment and expertise of at least than 6 years experience of key staff within a SETA environment • Demonstrated 3 or less requirements in relation to competence and expertise including understanding of SETA environment and expertise of less than 6 years experience of key staff within a SETA environment. 	0
<p>Experience in Comparative projects: Provide details of their track record of at least five (5) similar or related projects and references should be presented in a form of a written letter on an official letterhead from clients where similar services have been provided and may not be older than five (5) years. Provide the project name, organisation and the contactable reference name and details.</p>	<ul style="list-style-type: none"> • Execution of 5 or more comparative projects with reference letters not older than five (5) years attached • Execution of 3-4 comparative projects with reference letters not older than five (5) years attached • Execution of 1-2 comparative project not older than five (5) years attached 	20 10 0
<p>Bidders must score a minimum qualifying score for functionality 70/100</p>		

9. PREFERENCE POINT SYSTEM

The RFQ will be evaluated on the 80/20 (Price and BBBEE points) preference point system in terms of the PPPFA Act and its regulations 2017. The contract will be awarded to the service provider that scored the highest total number of points. All Responses that achieve the minimum qualifying score 70 for functionality, 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

10. 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)
- Preference point system and BBBEE certificate (optional)
- The proposal must be valid for 60 days from the closing date of bid.

11. Price specification/ requirements

Please provide prices broken down as per table below:

Price specification by deliverable		
A. Pre Implementation		
i) Pre Implementation	Cost per project	Fixed firm price
		Total fees
B. Implementation		
i) Implementation	Cost per project	Fixed firm price
		Total fees
C. Close Out		
Close Out	Cost per learner	Fixed firm price
		Total fees
		Total fees

12. 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, **07 December 2021 at 11H00 pm**

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

2.7.1 If so, furnish the following particulars:

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

 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 **YES / NO**
 the appropriate authority to undertake remunerative work outside
 employment in the public sector?

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

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

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

.....

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

2.8.1 If so, furnish particulars:

.....

2.9 Do you, or any person connected with the bidder, have **YES / NO**
 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?

2.9.1 If so, furnish particulars.

.....

Are you, or any person connected with the bidder, **YES/NO**
 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?

1 If so, furnish particulars.

.....

Do you or any of the directors / trustees / shareholders / **YES/NO**
 members of the company have any interest in any other
 related companies whether or not they are bidding for
 this contract?

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

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL
PROCUREMENT REGULATIONS 2017**

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

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

- 1.2
- a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or
 - b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

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

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

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

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

2. DEFINITIONS

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

3. POINTS AWARDED FOR PRICE

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

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

80/20 or **90/10**

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

Where

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

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

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

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

5. BID DECLARATION

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

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

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

7. SUB-CONTRACTING

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

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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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"/>
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v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

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

Black people who are military veterans		
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.

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



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:
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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"/>
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4.3.1	If so, furnish particulars:
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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"/>
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4.4.1	If so, furnish particulars:
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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



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



2. 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.
3. 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.
4. 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.
5. 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.

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

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