



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	
CATHSSETA seek to appoint a suitable provider to Assist CATHSSETA BBBEE verification service for period of 3 years.					
Date issued	27 January 2022		RFQ number	CATHS/RFQ/001	
Closing Date:	Date: 03 February 2022		Closing Time:	14:00pm	
CSD 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 fol	The following particulars must be furnished;				
(failure	(failure to do so may result in your bid being disqualified):				
Name	of bidder				
Postal	Address				
Street	Address				
Teleph	one Numbe	er			
Code:			Number:		
Cellpho	one Number	r			
Facsim	nile Number				
Email A	Address				
VAT R	egistration N	Number			
		d valid tax	clearance certific	cate been submitted? (SBD 2)	
Yes	No				
Has a l	B-BBEE Sta	atus Level	Verification Certif	ficate been submitted? (SBD 6.1)	
Yes	No				
If yes,	who was the	e certificate	e issued by? [tick	applicable box]	
	An accountin	ng officer as	contemplated in th	ne Close Corporation Act (CCA)	
	A verification	agency ac	credited by the Sou	uth 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

ou an	accredited representative in South Africa for the goods / services / work offered?					
Yes No [If yes, please enclose						
<u> </u>						
Bid P	rice:					
Total number of items offered:						
	Ciamatuna of hiddon					
	Signature of bidder					
Ca	pacity under which this bid is signed					
	Date					
	Bid P					

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 a nationally recognised Sector Skills Plan (SPP) supported by skills development programmes serving the interest of the following sectors:

- Conservation;
- Culture, Arts and Heritage;



- · Hospitality;
- Gaming and Lotteries;
- Sport, Recreation and Fitness; and
- Tourism and Travel Services.

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 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.

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

2. PURPOSE

CATHSSETA seeks to appoint a SANAS accredited service provider to assist with the BBBEE verification and rating services for a period of three (3) years.

3. SCOPE OF WORK

3.1. Service Delivery Objectives:

The appointed Rating agency will be responsible for the following:

- 3.1.1. B-BEEE Rating and Verification Performing of the B-BBEE Verification from start until end in alignment to policies and procedures issued by the Department of Trade, Industry and Competition and SANAS.
- 3.1.2. **Preparation** Provide information on the requirements to prepare for the Verification.



- 3.1.3. **Draft Report** On completion of the Verification, provide a draft report to be reviewed by SANAS before the final report is produced
- 3.1.4. **Final B-BBEE Certificate and Report** Produce a Final B-BBEE Certificate and Report reflecting the CATHSSETA's B-BBEE status.

3.2. Minimum Required Information

The prospective service provider must also supply the following:

- 3.2.1. A quotation as per the scope of work above.
- 3.2.2. Valid tax clearance certificate.
- 3.2.3. Valid BBBEE certificate.
- 3.2.4. Proof of registration on the Central Supplier Database.
- 3.2.5. Proof of a SANAS accreditation as a verification and rating agency.
- 3.2.6. Completed standard bidding forms as indicated under 9 below.
- 3.2.7. A comprehensive project methodology
- 3.2.8. A minimum of three reference letters not older than three years for similar work
- 3.2.9. The project team profile(s) clearly outline their experience

4. 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.
- 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 an award is provided.

5. CONDITIONS

 All quoted prices accepted from the successful service provider/s will remain fixed and firm from the date of acceptance until the project completion, the service provider/s must take this into consideration.



- The RFQ should be submitted with a detailed proposal of service.
- The proposal must be submitted with a detailed cost breakdown and total amounts must be inclusive of VAT.
- A Service Level Agreement shall be signed with the preferred service provider.
- The CATHSSETA reserves the right to invite shortlisted service providers to present their proposals for final decision.

6. PREFERENCE POINT SYSTEM

All Responses 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 BBBEE will result in the forfeiture of preference points



7. 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, 6.1, 8 and 9 (Completed and signed);
- Preference point system and BBBEE certificate (optional); and
- The proposal must be valid for 60 days from the closing date of the bid.

8. 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.

9. CLOSING DATE

The quotations must be submitted by no later than, 03 February 2022 at 14H00 pm

10. TAX CLEARANCE CERTIFICATE REQUIREMENTS

- It is a condition of this bid that the taxes of the successful bidder must be in order (tax-compliant), or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations and that this would be finalised within seven (7) working days of being formally notified of a non-tax compliant status.
- No award would be issued to a supplier whose taxes are not in order.
- In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate CSD report.





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

2.

- the legal person on whose behalf the bidding document is signed has a relationship with person(s) who is/are 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.

	completed and submitted with the bid.						
2.1	Full Name of bidder or his or her representative:						
2.2	Identity Number:						
	2.2.1 Position occupied in the Company (director, trustee, shareholder², member):						
2.3	Registration number of company, enterprise, close corporation, partnership agreement or trust:						
2.4	Tax Reference Number:						
2.5	VAT Registration Number:						

In order to give effect to the above, the following questionnaire must be

2.5.1	their Cothss e, employee /					
2.6	•	or any person con ently employed b		he bidder	YES / NO)
2.6.1	If so, furn	ish the following	particulars:			
	•	erson / director / t			•	
2.7.1	If so, furnis	h the following pa	articulars:			
	•	erson / director / t				
	connected		the	bidder	is	employed
	Position of	ccupied in the sta	te institution:			
Δ	any other pa					
,						
2.7.2	the approp	presently employer riate authority to nt in the public se	undertake rer	•		
2.6.1.	,	s, did you attach 5 / NO document?	•	authority to the	bid	
		ure to submit prod may result in the				
2.6.1.2	2 If no	, furnish reasons	for non-subm	nission of such p	proof:	

2.7	Did you or your spouse, or any of the company's directors / YENO trustees/shareholders/members or their spouses conduct business with the state in the previous twelve months?
2.7.1	If so, furnish particulars:
2.8	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?
2.8.1	If so, furnish particulars.
betwee	rou, or any person connected with the bidder, aware of any relationship (family, friend, other) een any other bidder and any person employed e state who may be involved with the evaluation r adjudication of this bid?
1 If so,	furnish particulars.
mem relate	ou or any of the directors/trustees/shareholders / YES/NO bers of the company have any interest in any other d companies whether or not they are bidding for ontract?
1 If so	furnish particulars:

cathsseta



Full details of directors / trustees / members / shareholders

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

^{1&}quot;State" means -

- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) National Assembly or the National Council of provinces; or
- (e) Parliament.

4 DECLARATION

Signature	Date	
ABOVE IS CORREC	T. I ACCEPT THAT THE STATE MAY REJECT THE BID O	_
,		
	(NAME) CERTIFY THAT THE ABOVE IS CORRECT ACT AGAINST ME SH	I, THE UNDERSIGNED (NAME)

⁽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);

^{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.



SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

1.2

- a) The value of this bid is estimated to exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (delete whichever is not applicable for this tender).
- 1.3 Points for this bid shall be awarded for:
 - (a) Price; and
 - (b) B-BBEE Status Level of Contributor.
- 1.4 The maximum points for this bid are allocated as follows:

	POINTS
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;
- "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

$$Ps = 80\left(1 - \frac{Pt - P\min}{P\min}\right)$$
 or $Ps = 90\left(1 - \frac{Pt - P\min}{P\min}\right)$

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration
Pmin = 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
	PARAGR	APHS 1.4	AND 4.1						

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	NO	
_	110	

7.1.1 If yes, indicate:

1)	What	percentage	of	the	contract	WIII	be
	subcontra	acted		%			
ii)	The nam	e of the sub-contrac	tor				
iii)	The B-BE	BEE status level of t	he sub-co	ontractor			
iv)	Whether	the sub-contractor i	s an EME	or QSE			
	(Tick applicable box)						
	VES	NO					

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	EME	QSE
by:	√	\checkmark
Black people	-2-	
Black people who are youth		
Black people who are women		
Black people with disabilities		9
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		

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Black people who are military veterans	
OR	
Any EME	
Any QSE	

8.	DECLARATION WITH REGARD TO COMPANY/FIRM
8.1	Name
	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;
	 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

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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		NATURE(S) OF BIDDERS(S)
2	DATE:	
	ADDRESS	





DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 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.
- 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.
- In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

ltem	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (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 audi alteram partem rule was applied). 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.	Yes	No 🗌
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? 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.	Yes	No

4.2.1	If so, furnish particulars:			Lath
4.0	Was the bidder or any of its directors convicted by a court of	of law (including a	Yes	No
4.3	court outside of the Republic of South Africa) for fraud or c past five years?			
4.3.1	If so, furnish particulars:	,		
4.4	Was any contract between the bidder and any organ of sta the past five years on account of failure to perform on or co contract?		Yes	No 🗆
4.4.1	If so, furnish particulars:			
			s	BD 8
	CERTIFICATION			
I, THE UNDERSIGNED (FULL NAME)CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.				
MA	CCEPT THAT, IN ADDITION TO CANCELLATION Y BE TAKEN AGAINST ME SHOULD THIS DEC LSE.			
 Signa	ature	 Date		
 Posit		lame of Bidder		
				Js365bW





CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 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.
- 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.
 - 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.
- 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.
- 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 respec
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.

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

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