



Custodian of Good Governance

OFFICE OF THE PUBLIC SERVICE COMMISSION

Commission House
Cnr. Hamilton and Ziervogel Streets
Arcadia
Private Bag X121 PRETORIA
0001

Tel:
Fax:

Request for Quotation – RFQ Number:

Company Name:

Attention:

From: Regina Sibanda

Fax:

Tel/Fax: 012 352 1086/ 0865225419

Phone:

Pages:

Re:

Date:

Comments: Please note that ALL prices must include VAT and be valid for 30 days.

Line Number	Item Description	Unit of Issue	Quantity
	PLEASE SEE ATTACHED TERMS OF REFERENCE	1	1

Please note:

1. Quotations should be faxed to reach our Office not later than **15 February 2013 at 11h00**.
2. Quotations should be valid for at least **90 days**.
3. Please indicate your delivery period: _____
4. Is the delivery period firm? Yes / No
5. Is / are the price(s) firm for the duration of the contract? Yes / No
6. Is the offer strictly to specification? Yes / No
7. **If not to specification, state deviation(s):** _____
8. **Please include a valid tax clearance certificate as well as B-BBEE certificate (if quotation is above R30 000.00).**
9. **The service provider/supplier must sign on the actual quotation that is to be submitted.**
10. **Please complete and sign attached SBD4 and 9 Forms.**
11. All prices must be VAT inclusive. If no indication is given, prices will be evaluated as inclusive.
12. No quotations received after the closing date will be accepted.
13. It is the responsibility of the tenderer to verify receipt of any faxes forwarded to this office.
14. If you are unable to quote, please fax this page back to the sender as a no quote and state reasons below.
- 14.1. Reason for no quote:.....

***This Request for Quotation must be completed, signed and be accompanied by an official signed Quotation, signed SBD forms as well as valid Tax Clearance Certificate. Failure to comply with the condition will invalidate your quotation.**

Failure on the part of the service provider to submit the required certificate as indicated below, together with the quote will be interpreted to mean that preference points for B-BBEE status level contribution are not claimed;

- (a) Service providers who qualify as Exempted Micro Enterprises (EMEs) in terms of Broad-Based Black Economic Empowerment Act, but submit a certificate issued by a registered auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in section 60(4) of the Close Corporation Act, 1984 (Act No. 69 of 1984) or an accredited verification agency,



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- (b) Service Providers other than EMEs must submit a valid BBBEE status level verification certificate substantiating their B-BBEE rating certificate as issued by SANAS Accredited verification agency.

15. EVALUATION CRITERIA

Preference Point System

15.1 In terms of regulation 6 of the Preferential Procurement Regulations 2011 pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be adjudicated by the State on the 80/20 preference point system in terms of which points are awarded to bidders on the basis of:

- The bid price (maximum 80 points)
- B-BBEE status level of contributor (maximum 20 points)

15.2 The following formula will be used to calculate the points for price:

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

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{min} = Comparative price of lowest acceptable bid

15.3 A maximum of 20 points may be allocated to a bidder for attaining its B-BBEE status level of contributor in accordance with the table below:

B-BBEE Status Level of Contributor	Number of Points
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

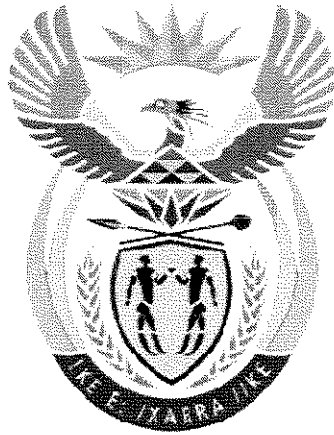
Please fax it to the Public Service Commission at the fax number provided above.

I/we agree that the offer herein shall remain binding upon me / us and open for acceptance by the Office of the Public Service Commission during the validity period indicated and calculated from the closing date stated above.

 Signature of Tenderer

 Name and Capacity

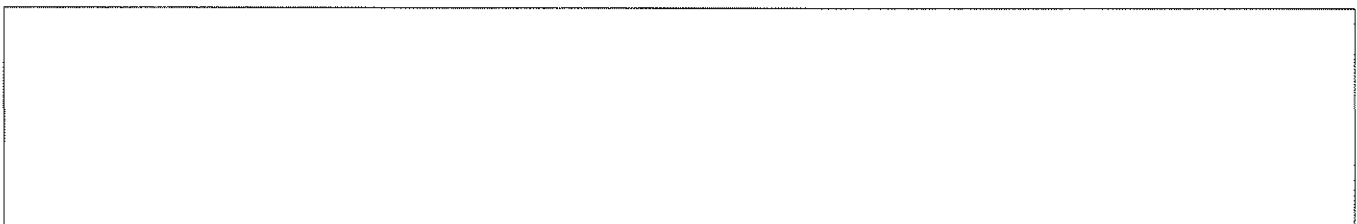
 Date



Special Requirements and Conditions of Contract

APPOINTMENT OF A SERVICE PROVIDER TO RENDER TRAINING IN FURTHER EDUCATION AND TRAINING CERTIFICATE (FET): PUBLIC ADMINISTRATION LEARNERSHIP NQF LEVEL 4 FOR THE OFFICE OF THE PUBLIC SERVICE COMMISSION (OPSC) FOR A PERIOD OF TWELVE (12) MONTHS

BID VALIDITY PERIOD: 90 DAYS





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1. SCOPE

The Office of the Public Service Commission requires training in Further Education and Training Certificate (FET): Public Administration Learnership NQF Level 4.

2. LEGALISED FRAMEWORK

This bid and all contracts emanating there from will be subject to the General Conditions of Contract issued in accordance with Chapter 16A of the Treasury Regulations published in terms of the Public Finance Management Act, 1999 (Act 1 of 1999). The Special Conditions of Contract are supplementary to that of the General Conditions of Contract. Where, however, the Special Conditions of Contract are in conflict with the General Conditions of Contract, the Special Conditions of Contract prevail.

3. VALIDITY OF BIDS/PROPOSALS

The bid/proposal must include a statement as to the period for which the proposal remains valid. The bid/proposal must be valid for at least ninety (90) days from the closing date and time of bids

4. PACKAGING OF BIDS/PROPOSALS

The bidder shall place both the sealed Technical Proposal and Price/Financial Proposal envelopes into an outer sealed envelope or package and must be clearly marked as follows:

FUNCTIONAL/TECHNICAL PROPOSAL

Description:

Proposal Closing date and time

Name and address of bidder

In this envelope, the bidder shall only address the technical aspects of the bid.

PRICE/FINANCIAL PROPOSAL

Description:

Proposal Closing date and time

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Name and address of bidder

In this envelope the bidder shall provide price/financial proposal and the B-BBEE certificate to claim points in terms of the Preferential Procurement Regulations, 2011 only in accordance with pricing schedule.

The Technical Proposal envelope and the Price/Financial Proposal envelope shall contain one original hard copy document clearly marked "Original" and three (3) hard copies, clearly marked "Copy" (i.e. four (4) documents to be included in each envelope).

5. NUMBER OF PROPOSALS

Each bidder must submit four (4) hard copies of their entire proposal. All submitted proposals will become the property of OPSC, and will not be returned. No late submissions will be considered under any circumstances.

Envelopes must not contain documents relating to any Request for Proposal (RFP) other than the one referred to in this RFP.

The responses to the RFP will be opened as soon as is practical after the expiry of the time advertised for receiving them.

After the evaluation process is completed, the SBC may, prior to making a final selection, draw up a shortlist of participants and require them to make a detailed presentation to the SBC. A minimum of 2 days' notice will be given to relevant participants in advance of the presentation date.

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6. EVALUATION PROCESS

The evaluation process comprises the following phases:

Phase I: Initial screening process:

During this phase proposal documents including all SBD forms that are to be filled in and returned with the proposals will be reviewed to determine compliance with among others, tax matters and whether original and valid tax clearance certificates have been submitted with the proposal documents at closing date and time of bid.

Phase II: Mandatory requirements:

During this phase bidders' responses will be evaluated based on the mandatory requirements indicated in the scope of work. This phase is not scored and bidders who fail to comply with all the mandatory criteria will be disqualified.

Phase III: Non-mandatory requirements:

During this phase bidders' responses will be evaluated for functionality based on achieving a minimum score of 60%.

Bidders must, as part of their proposal documents, submit supportive documentation for all non-mandatory functional requirements as indicated in the scope of work. The panel responsible for scoring the respective proposals will evaluate and score all proposals based on their submissions and the information provided.

Bidders will not rate themselves, but need to ensure that all information is supplied as required. The panel will evaluate and score all responsive proposals and will verify all documents submitted by the bidders.

The Panel members will individually evaluate the responses received against the following criteria as set out in the non-mandatory functionality scorecard:

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EVALUATION CRITERIA

1.	Proposed methodology	
1.1	Sector Knowledge, experience and expertise in serving the Public Sector	30
1.2	Appropriateness of suggested project plan	20
1.3	Track record in completing similar learnership leaning assignment or project	20
1.4	Proof of available human resource expertise to carry out the project	20
1.5	A minimum of 5 years' experience in the field of Education, training and Development as well as proof of accreditation with the relevant SETA	10
	TOTAL POINTS	100

The score for functionality will be calculated as follows:

Each panel member will rate each individual criterion on the score sheet using the following value scale:

Performance	Description	Score
Excellent	Answer <u>meets and exceeds</u> the functionality requirements	5
Very Good	Answer <u>meets</u> all functionality requirements	4
Good	Answer <u>partially meets</u> the functionality requirements	3
Average	Answer <u>fails to meet the functionality requirements</u>	2
Poor	Fails to meet the functionality requirements	1



The value scored for each criterion will be multiplied with the specified weighting for the relevant criterion to obtain the marks scored for each criterion. These marks will be added and expressed as a fraction of the best possible score for all criteria.

This score will be converted to a percentage and **only** bidders that have met or exceeded the minimum threshold of 60% for functionality will be evaluated further and scored in terms of pricing and socio economic goals as indicated hereunder.

Bidders who score less than 60% will be disqualified.

7. EVALUATION CRITERIA

a. In terms of regulation 4 of the Preferential Procurement Regulations pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be adjudicated by the State on the 80/20-preference point system in terms of which points are awarded to bidders on the basis of:

- The bid price (maximum 80 points)
- Broad Based Black Economic Empowerment (BBBEE) compliance (maximum 10 points)

b. The following formula will be used to calculate the points for price:

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

Where

P_s = Points scored for price of bid under consideration

P_t = Rand value of bid under consideration

P_{\min} = Rand value of lowest acceptable bid

c. A maximum of 20 points may be awarded to a bidder attaining the B-BBEE status level of contributor in accordance with the table below.

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	16
4	12



5	8
6	6
7	4
8	2
Non-compliant contributor	0

- d. The points scored by a bidder in respect of the goals indicated above will be added to the points scored for price.
- e. A contract may, on reasonable and justifiable grounds, be awarded to a proposal that did not score the highest number of points.
- f. Bidders are requested to complete the various preference claim forms in order to claim preference points.
- g. Only a bidder who has completed and signed the declaration part of the preference claim form will be considered for preference points.
- h. Contract Management may, before a bid is adjudicated or at any time, require a bidder to substantiate claims it has made with regard to preference points claimed.
- i. Points scored will be rounded off to the nearest 2 decimals.
- j. In the event that two or more proposals have scored equal total points, the contract will be awarded to the bidder scoring the highest number of points for the specified goals. Should two or more proposals be equal in all respects, the award shall be decided by the drawing of lots.
- k. Bidders scoring less than 60% for functionality (phase III) will not be considered for further evaluation on price and goals.

8. CONTRACT PERIOD

The contract period shall be for a period of 12 months.

9. PRE-AWARD SUPPLIER DUE DILIGENCE

The State reserves the right to conduct supplier due diligence prior to final award.

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Additional information may be required in writing from suppliers. Replies to such requests must be submitted within 7 working days or else proposals may be disregarded.

10. RESPONSE FIELDS

It is imperative that bidders submit responsive bids by completing all the mandatory response fields and item questionnaires for the individual items. In this regard bidder's attention is drawn to the response fields and price structure explanations and examples supplied in the bid document.

Non-compliance with this condition will invalidate the proposal for the item/s concerned.

11. TAX CLEARANCE CERTIFICATE

An original and valid Tax Clearance Certificate issued by the South African Revenue Services certifying that the taxes of the bidder are in order must be submitted at the closing date and time. Failure to comply with this condition will invalidate the bid.

12. VALUE ADDED TAX

All bid prices must be inclusive of 14% Value-Added Tax.

13. PRICE QUALIFICATION

Prices submitted for the proposal will be regarded as non-firm and adjustments will be considered as indicated hereunder:

- a. The contractor will be allowed to apply for an inflationary price adjustment based on Statistics SA statistical release PO141 (Consumer price index), miscellaneous goods and services (table E).
- b. CONTRACT ADMINISTRATION
 - a. A successful bidder must advise the OPSC immediately when unforeseeable circumstances will adversely affect the execution of the contract. Full particulars of such circumstances as well as the period of delay must be furnished.
 - b. All correspondence in this regard must be directed to the following address:
Office of the Public Service Commission, Supply Chain Management & Security Services,
Private Bag X121, Pretoria, 0001

- c. The OPSC hereby chooses the following street address as its domicilium citandi et executandi for the purpose of serving notices and legal documentation:

Commission House

Corner Hamilton and Ziervogel Streets

Arcadia

PRETORIA

0007

14. COUNTER CONDITIONS

Bidders' attention is drawn to the fact that amendments to any of the Special Conditions will result in invalidation of such bids.

15. PROHIBITION OF RESTRICTIVE PRACTICES

- a. In terms of section 4 (1) of the Competition Act No. 89 of 1998, as amended, an agreement between, or concerted practice by, firms, or a decision by an association of firms, is prohibited if it is between parties in a horizontal relationship and if a bidder (s) is / are or a contractor(s) was / were involved in:
- directly or indirectly fixing a purchase or selling price or any other trading condition;
 - dividing markets by allocating customers, suppliers, territories or specific types of goods or services; or
 - collusive bidding.
- b. If a bidder(s) or contractor(s), in the judgment of the purchaser, has / have engaged in any of the restrictive practices referred to above, the purchaser may refer the matter to the Competition Commission for investigation and possible imposition of administrative penalties as contemplated in the Competition Act No. 89 of 1998.
- c. If a bidder(s) or contractor(s) has / have been found guilty by the Competition Commission of any of the restrictive practices referred to above, the purchaser may, in addition and without prejudice to any other remedy provided for, invalidate the bid(s) for such item(s) offered, and / or terminate the contract in whole or part, and / or restrict the bidder(s) or

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contractor(s) from conducting business with the public sector for a period not exceeding ten (10) years and / or claim damages from the bidder(s) or contractor(s) concerned.

16. FRONTING

- a. The National Treasury supports the spirit of broad based black economic empowerment and recognizes that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background the National Treasury condemn any form of fronting.
- b. The National Treasury, in ensuring that bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct or initiates the necessary enquiries/investigations to determine the accuracy of the representation made in bid documents. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the Department of Trade and Industry, be established during such enquiry / investigation, the onus will be on the bidder / contractor to prove that fronting does not exist. Failure to do so within a period of 14 days from date of notification may invalidate the bid / contract and may also result in the restriction of the bidder /contractor to conduct business with the public sector for a period not exceeding ten years, in addition to any other remedies the National Treasury may have against the bidder / contractor concerned.

17. CONFIDENTIALITY

- 18.1 This bid and all information in connection therewith shall be held in strict confidence by bidders and usage of such information shall be limited to the preparation of the bid. Bidders shall undertake to limit the number of copies of this document.
- 18.2 All bidders are bound by the confidentiality agreement preventing unauthorised disclosure of any information regarding OPSC or of its activities to any other organisation or individual. Bidders may not disclose any information, documentation or products to other clients without written approval from the Head of the Department or his/her delegated officer.

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18. SERVICE LEVEL AGREEMENT

In addition to the formal contract to be concluded, the successful bidder shall enter into a service level agreement for the service to be rendered in terms of the contract.

19. ENQUIRIES

For enquiries bidders are requested to contact:

Proposal enquiries: Ms. Regina Sibanda

Tel: (012) 352 1086

Technical enquiries : Ms. Mirriam Mahuma

Tel : (012) 352 1072

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TERMS OF REFERENCE

REQUEST FOR PROPOSALS FOR TRAINING IN FURTHER EDUCATION AND TRAINING CERTIFICATE: PUBLIC ADMINISTRATION LEARNERSHIP NQF LEVEL 4

1. PURPOSE

The Office of the Public Service Commission (OPSC) invites quotations/proposals for training in Further Education and Training Certificate (FET): Public Administration Learnership NQF Level 4.

2. BACKGROUND

The OPSC in the pursuit of its vision as a Custodian of Good Governance and in line with the Strategic Goals stipulated in the National Skills Development Strategy II of 2005-2010 and the Skills Development Act has identified a learnership programme in Public Administration to equip the unemployed youth with disabilities with knowledge and skills culminating into Further Education and Training Certificate which is pegged at the National Qualification Framework level (NQF Level 4)

3. INTENTION OF THE OPSC DEPARTMENT

Following from the above the OPSC needs a service provider which is accredited by the Services Sector for Education and Training Authority (Services SETA) to train five (5) unemployed youth on Public Administration. On achieving this qualification, the learner will:

- Apply the Batho Pele principles to own work role and context
- Demonstrate knowledge of and apply the Public Sector Code of Conduct in own work roles and Context
- Apply administrative principles in the implementation of public sector procedures and work schedule
- Apply the principles of good customer service to achieve public sector objectives
- Define overall public sector culture and values and apply to own work context
- Demonstrate and ability to apply the principles of problem identification, analysis and decision-making within immediate work context
- Demonstrate an understanding and apply the framework and overall mechanics of government in public sector policy
- Apply principles of computerized systems to manage data and reports relevant to the public sector administration
- Apply South African legislation and policy affecting public administration
- Discuss the selected legislative regulatory framework governing the public sector management and administration environment.
- Write/present/sign texts for a range of communicative contexts

- Engage in sustained oral/signed communication and evaluate spoken/signed texts
- Apply Fundamental Concepts of supply Chain Management Optimisation
- Apply principles, regulation and legislation underlying supply chain management in the public sector; and
- Demonstrate knowledge and insight into a bid committee system applicable to an Organ of State in South Africa.

4. SCOPE OF WORK / TERMS OF REFERENCE / DELIVERABLES

Proposals for the achievement of the end result should cover the following:

- 4.1 Roll-out plan for the training and assessment sessions.
- 4.2 Method of assessment that will be utilized, preferably a Portfolio of Evidence.
- 4.3 Learning outcomes to be covered include:
 - 4.3.1 Have knowledge of the procedures for stock and fixed asset control and be able to apply such knowledge and maintain appropriate registers, ensure that employees have resources they need on an on-going basis through efficiently ordering and distributing stationery and other requirements.
 - 4.3.2 Develop administrative systems together with other employees.
 - 4.3.3 Improve organizational effectiveness, by being able to manage all administration records.
 - 4.3.4 Present information that is routinely and regularly required, as well as specific information that is required from time -to- time.
- 4.4 Ability to consult with relevant stakeholders.
- 4.5 Produce a plan of action.
- 4.6 Conduct meetings/events.
- 4.7 Evaluate progress of a project.
- 4.8 Plan research activities for a development practice project.
- 4.9 The service providers are required to submit a ***detailed work program with their technical proposals. The proposal should be structured and address the issues detailed in Annexure A.***

- 4.10 Time frames will be confirmed and must only be altered with justification.
- 4.11 In submitting proposals service providers will be required to also indicate the methodology of monitoring and feedback mechanisms to the Office.
- 4.12 The Service Provider must give a detailed breakdown of expenses/cost of the programme.
- 4.13 The project proposal should preferably concentrate on stress, expertise, competence of the team to be used and should reflect a clear understanding of the work to be undertaken. The project proposal should address the following topics: scope of work, project program, project team, project budget and Consortium agreements, if work is to be provided by a consortium of service provider.

5. PROFILE OF THE TRAINING PROVIDER

5.1 Accreditation

- 5.1.1 The training provider must be fully accredited by the relevant SETA, or any other ETQA, for the delivery of the programmes leading to a SAQA registered full qualification.
- 5.1.2 If accredited by another ETQA, the training provider shall have training materials evaluated and approved by the ETDP SETA ETQA for the delivery of the skills programme.

NB: Submit proof of accreditation/programme approval

- 5.1.3 Training providers who would like to be part of the panel should provide the following information to the OPSC:
- Composition of the company in terms of shareholding
 - Personnel complement
 - Which SETA are they accredited with
 - Accreditation Number
 - Learning programmes offered and their NQF level
 - The Unit Standard (s) or qualification the learning programme is aligned to
 - Assessment methods and techniques used
 - Learning support given to the trainees to ensure the transfer of knowledge acquired
 - References and samples of learning material; and
 - Ability to demonstrate the capacity to delivery (capacity, facilities and resources).

5.2 Ownership

Proof of ownership of company must be provided. In the case of a joint consortium, preferential points allocated shall be shared according to partnership.

5.3 Functional Resources

5.3.1 The service provider must be adequately equipped with the necessary physical resources such as:

- Workshop facilitation rooms
- Resource packs to be given to learners
- Resources center

5.3.2 The OPSC reserves the right to visit the premises of the shortlisted service providers prior to the assignment being awarded and after the contract has been signed. If the shortlisted service provider is not equipped with the above mentioned resources it will be disqualified.

5.3.4 The service provider must have the required Human Resource Capacity in the following areas:

- Qualified facilitators
- Registered assessors and moderators
- Competent administrative personnel and financial accounting officers
- Project Management Skills

5.4 Proof of similar Projects

The Qualifying service provider must provide the OPSC with proof of similar projects undertaken previously. The proposal will be disqualified if proof of projects undertaken previously is not provided.

6. PROJECT TIMEFRAME

The implementation of the learnership should happen within twelve months after the award of the contract.

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 a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
- the bidder is employed by the state; and/or
 - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:

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

2.4 Company Registration Number:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

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.

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

2.7.1 If so, furnish the following particulars:

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

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

Position occupied in the state institution:

Any other particulars:
.....
.....
.....

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

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

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

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

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

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

2.8.1 If so, furnish particulars:

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

2.9 Do you, or any person connected with the bidder, have 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

4 DECLARATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

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

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (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.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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.

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Signature

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Date

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Position

.....
Name of Bidder

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