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**REQUEST FOR PROPOSAL**

**APPOINTMENT OF A SERVICE PROVIDER TO DRAFT TOWNSHIP LAYOUT  
DESIGN INCORPORATING TOPOGRAPHICAL SURVEY AND ENVIRONMENTAL  
SCANNING FOR THE CREATION OF INTEGRATED AND SUSTAINABLE HUMAN  
SETTLEMENT DEVELOPMENT IN LEEUWFontein AREA WITHIN THE  
JURISDICTION OF CITY OF TSHWANE METROPOLITAN MUNICIPALITY IN  
GAUTENG PROVINCE**

**RFP/JHB/2019/010**

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**PROPOSALS TO BE SUBMITTED BY**

**NOT LATER THAN**

**12 NOON ON**

**27 MARCH 2020**

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**TERMS OF REFERENCE TO UNDERTAKE A DRAFT TOWNSHIP LAYOUT DESIGN INCORPORATING TOPOGRAPHICAL SURVEY AND ENVIRONMENTAL SCANNING FOR THE CREATION OF INTEGRATED AND SUSTAINABLE HUMAN SETTLEMENT DEVELOPMENT IN LEEUWFontein AREA WITHIN THE JURISDICTION OF CITY OF TSHWANE IN GAUTENG PROVINCE**

**1. PROJECT TITLE**

To undertake a Topographical Survey, Environmental Scanning and Township Layout Plan Design on the property situated on the Farm Leeuwfontein 427 JR, measuring approximately 45.6 hectares in the Leeuwfontein area within the jurisdiction of City of Tshwane Metropolitan Municipality in the Gauteng Province (*Locality plan attached as "Annexure B"*).

**2. BACKGROUND**

The HDA is mandated to prepare necessary documentation for consideration and approval by the relevant authorities, as well as monitor progress of the development of land and landed properties acquired for the purposes of creating integrated and sustainable human settlements.

As part of its processes, the HDA intends to undertake a Township Layout to accommodate people living in and around Mamelodi, affected by disaster, in order to establish integrated and sustainable human settlement development.

**3. PROJECT OBJECTIVES**

Establishment of an estimated 1300 residential erven draft layout and conditions to provide housing opportunities for the creation of government fully subsidized housing programme (BNG), Financial Link Subsidised Housing Programme (FLISP)/ Bonded housing, and social amenities. This is to be achieved by providing a basic draft layout plan taking into consideration the contours and slopes of the site and the basic environmental considerations pertaining to the site and average stand sizes of of 180 – 250 square metre for single residential sites.

**4. METHODOLOGY**

It is the aim of the HDA to secure the services of a multidisciplinary team of professionals who possess relevant and applicable skills and related experience in the area of development of integrated human settlements. The proposal shall provide a concise methodology in approach and development options based on the following:

- urban design and planning principles;
- inherent site information and elements; and
- participatory planning with specific focus on achieving integrated settlement.

## **5. DELIVERABLES:**

The Scope of Works for this project is fully outlined and attached as **"ANNEXURE A"**.

## **6. MULTI-DISCIPLINARY TEAMS**

- 6.1. The multidisciplinary team of professionals to be appointed, must show a proposed team structure identifying the Town Planner as the lead and must have an Environmentalist and Surveyor (topographical) as part thereof.
- 6.2. Each member of the multidisciplinary team must be registered with their professional governing body, in terms of the specific statutes empowering them to perform the specific functions:
  - Town Planner must be a registered town planner with SACPLAN/SAPI certification;
  - The Surveyor (Topographical) must be a Surveyor registered with The Geomatics Council of South Africa;
  - The Environmentalist must provide proof of qualifications and registered with the SACNASP.
- 6.3. It is the responsibility of the successful bidder, with the approval of the HDA, to appoint and manage all other sub-consultants to undertake all necessary professional studies; and
- 6.4. The project leader must be a registered Professional Town Planner (SACPLAN, SAPI etc.) with relevant experience.

## **7. DURATION**

- 7.1. It is expected that the project shall take a period of two (2) weeks, and no relaxation of timelines will be allowed.

## **8. EVALUATION PROCESS**

- 8.1. In order to facilitate a transparent selection process, that allows equal opportunity to all service providers, the HDA will apply the prescripts of the PPPFA and its associated Regulations.
- 8.2. Bidders must have a minimum level 1 to 3 BBBEE status.
- 8.3. The submitted proposals will undergo a process of pre-qualification and an evaluation phase. The initial phase of the evaluation will be in the form of a pre-qualification, in accordance with the PPPFA Act, Preferential Procurement Regulation which organs of state can apply in order to advance designated groups and transformation. Only Proposals that meet with the pre-qualification conditions will be considered for the next phase. i.e. the evaluation phase. A proposal that fails to meet any pre-qualifying criteria stipulated in the document is an unacceptable proposal.
- 8.4. All bids that have met with the pre-qualification criteria in terms of the prescripts of the PPPFA will then be evaluated in terms of their technical ability to perform the task.
- 8.5. The benchmark of a minimum 80 points out of 100 points on technical functionality will be the cut off to qualify for further evaluation.

8.6. Those that qualify will be assessed using the 80:20 formula for Price and B-BBEE as per the PPPFA.

9.1 Table 1 – Evaluation Criteria

FUNCTIONALITY / QUALITY CRITERIA		WEIGHTING/ POINTS
<b>Lead Company Profile and organogram</b>	<p>Company profile(s) to be submitted. In the case of a joint venture, all companies must submit separate profiles indicating the Lead Company. The leading company to be a town planning firm or have the necessary town planning division, with profiles being appropriate to bid subject matter.</p> <p>Town planning specialist company = 10 points Any other company in the Built Environment = 5 points</p>	<b>10</b>
<b>Work Related Experience</b>	<p>Related work of the lead company and related experience in Town Planning, to be assessed as follows; Provide Letters of appointment and or reference letters as follows:</p> <p>0-projects = 0 points 1-project = 4 points 2-projects = 8 points 3-projects = 12 points 4-projects = 16 points 5 or more projects = 20 points</p>	<b>20</b>
<b>Capacity and individual team members CV's</b>	<p>Demonstrable skills, qualifications and capacity, relevant knowledge and experience of the Town Planner and Topographer.</p> <p>A Professional registered Town Planner as follows: (10) Points</p> <ul style="list-style-type: none"> <li>• 6 years' experience and above =10 points</li> <li>• 5 years' experience =8 points</li> <li>• 4 years' experience = 5 points</li> </ul> <p>A registered Surveyor (Topographical) as follows: (10) Points</p> <ul style="list-style-type: none"> <li>• 6 years' experience and above =10 points</li> <li>• 5 years' experience =8 points</li> <li>• 4 years' experience = 5 points</li> </ul> <p>A registered Environmentalist as follows: (10) Points</p> <ul style="list-style-type: none"> <li>• 6 years' experience and above =10 points</li> <li>• 5 years' experience =8 points</li> <li>• 4 years' experience = 5 points</li> </ul>	<b>30</b>

<b>Methodology</b>	Work programme, plan and allocation of resources and tasks (10) Points; (work plan to be appropriate to the tender subject matter and relevant legislation timeframes)  Proposed delivery methodology (30) Points covering each of the professional activities in the scope	<b>40</b>
<b>TOTAL</b>		<b>100</b>

9.2. The following criteria will be used for points allocation for price and B-BBEE compliance on a 80/20 point system:-

CRITERIA	SUB-CRITERIA	WEIGHTING/ POINTS
Price	Detailed budget breakdown	80
B-BBEE Status Level Verification Certificate from accredited verification agencies.	B-BBEE Level Contributor	20
<b>TOTAL</b>		<b>100</b>

*NB: Service providers may be requested to clarify information in their proposal. This information must be supplied free of charge.*

## 10. GENERAL

Below are compulsory requirements for this service.

- a. It is important to note that the successful person will work under the supervision of an HDA representative, abide by the HDA's Code of Conduct, and other organizational guidelines.
- b. Kindly complete and submit the HDA Supplier Registration form if not already on our database and submit together with:
  - o Valid original tax clearance certificate.
  - o SBD Forms (SBD4, SBD6.1, SBD8 and SBD9) obtainable from HDA Website: [www.thehda.co.za/procurement](http://www.thehda.co.za/procurement). Under compliance checklist.
- c. Further information regarding supply chain matter and queries can be send via email to: [pfarelo.netshisaulu@thehda.co.za](mailto:pfarelo.netshisaulu@thehda.co.za) or via phone on 011 544 1000
- d. Further information regarding technical matters and queries can be sent via email to: [ndumiso.mkhwanazi@thehda.co.za](mailto:ndumiso.mkhwanazi@thehda.co.za) or via phone on 011 544 1000

- e. There will be no briefing session for this project and all queries should be directed to the contacts above.

**11. TERMS AND CONDITIONS**

- 11.1. The HDA undertakes to pay in full, within thirty (30) days, all valid claims for work done to its satisfaction upon presentation of a substantiated claim/invoice.
- 11.2. No payment will be made where there is an outstanding information/work by the service provider/s.

**12. SUBMISSION OF PROPOSALS**

Proposals should be submitted on or before the **27 March 2020** by no later than 12h00 to the following address:

**The Procurement Officer  
The Housing Development Agency  
Block A, 6-10 Riviera Road, Killarney, Johannesburg, 2193  
Tel: 011 544 1000**

The selection of the qualifying proposal will be at the HDA's sole discretion. The HDA does not bind itself to accept any particular bid/proposal, and the HDA reserves the right not to appoint the service provider.

## ANNEXURE A

### SCOPE OF WORKS:

UNDERTAKE TOPOGRAPHICAL SURVEY, ENVIRONMENTAL SCANNING AND TOWNSHIP LAYOUT PLAN DESIGN FOR THE CREATION OF INTEGRATED AND SUSTAINABLE HUMAN SETTLEMENT DEVELOPMENT IN LEEUWFontein AREA WITHIN THE JURISDICTION OF CITY OF TSHWANE METROPOLITAN MUNICIPALITY IN GAUTENG PROVINCE

### HDA REQUIREMENTS

The HDA wishes to appoint consultants that have capacity and suitable experience to undertake the work described below.

<b>1. PROJECT DEFINITION</b>
1.1. Environmental scanning exercise and Topographical Survey to draft a responsive Township layout design (including appropriate building controls) on Farm Leeuwfontein 427 JR. The total extent of the project site is 45.6 hectares.  Proposed number of planned units= ±1300 Fully Subsidised units (BNG), bonded housing (FLISP) and social amenities of average stand sizes of 180 – 250 square metre for single residential sites.
<b>2. PURPOSE</b>
The overall purpose of the project is as follows: 2.1. Planning to obtain development rights for integrated human settlement for the development of government subsidized housing (BNG), bonded (FLISP) and social amenities.
<b>3. GEOMATICS (SURVEY)</b>
3.1. Topographical survey (Surveyed Cadastral boundaries and 0.5m Contours) 3.2. Detail plan of all existing structures including electrical lines, telephone lines on site, rail lines, formal and informal roads and all related physical features of significance, Servitudes survey (storm-water, sewer and or any servitudes affecting the property)
<b>Output</b>
<ul style="list-style-type: none"><li>• Overall topographical and land detail plan on DXF/DWG format for purposes of township establishment.</li><li>• Land survey certificate.</li></ul>
<b>4. ENVIRONMENTAL SCANNING</b>
4.1. Potential environmental impacts and flaws on site.

- 4.2. Potential fatal flaws that may have impact on the developability of the site, specifically any geotechnical conditions that have been identified.
- 4.3. Potential significant environmental impact that can be avoidable.
- 4.4. Any potential impact which may be mitigatable.
- 4.5. Any environmental impact that exceeds defined limits of acceptable change and may lead to the project being rejected.

**Outputs:**

Formal documentation which will be provided at the conclusion of the investigation will include a report detailing the investigation procedure, findings, interpretations and recommendations with accurate pointing of potential threats and impact on the future development that may ensue.

**5. TOWN PLANNING**

- 5.1. Overall project management.
- 5.2. Drafting of Township Layout Plan based on topographical and environmental conditions
- 5.3. The draft Township layout must include reference for each proposed site to building control requirements in terms of the Town Planning Scheme.

**Outputs:**

- Township Layout Plan signed off by the Housing Development Agency

**NB: Project does not include submission of township establishment application**

**6. UNDERLYING PRINCIPLES**

The proposed layout, having been informed by the various elements and other critical informants, should address the following urban design principles:

- 6.1. Movement and mobility system: Street network and communication systems;
- 6.2. Precinct structure: Define areas of particular character and dominance, potential or social cohesion requiring specific guidelines;
- 6.3. Integration: This requires integration and connection of the existing settlements to the broader area;
- 6.4. Structural clarity and legibility: logical and informed location of significant facilities and social infrastructure.
- 6.5. Public space: The quality of the public space, such as street space;
- 6.6. Incremental approach: opportunity to add and retrofit the existing physical space without impacting on the overall environment.

**NB: The HDA shall have the right to input and refuse the layout plan if, in its opinion, the layout plan does not conform to standard planning practice and if the proposed layout does not meet the requirements of the municipality.**



**ANNEXURE B : LOCALITY MAP**



## DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, 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, shareholder<sup>2</sup>): .....

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.

<sup>1</sup>"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.

<sup>2</sup>"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

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

1.3 Points for this bid shall be awarded for:

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

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

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

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:

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

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:

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

(Tick applicable box)

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

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



Black people who are military veterans		
<b>OR</b>		
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>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p> <p>.....</p>
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## 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?</p> <p><b>(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).</b></p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) 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)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Item	Question	Yes	No
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	<input type="checkbox"/>	<input type="checkbox"/>
4.4.1	If so, furnish particulars:		

### 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

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> 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)<sup>2</sup>. 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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.



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

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Signature

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Date

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Position

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Name of Bidder