

Block A, Riviera  
Office Park  
6-10 Riviera Road  
Killarney,  
Johannesburg  
South,Africa  
2041



---

**REQUEST FOR PROPOSALS**

---

**PROVISION OF SECURITY PHYSICAL SURVEILLANCE IN PHILIPPI  
WESTERN CAPE  
RFP/WC/2019/002**

---

**PROPOSAL TO BE SUBMITTED BY  
NOT LATER THAN  
12H00 PM ON 09 May 2019**

**TERMS OF REFERENCE**  
**Provision of security physical surveillance in Philippi**  
**Western Cape**  
**RFP/WC/2019/002**

**1. INTRODUCTION**

The Housing Development Agency (HDA) is a national public development agency which promotes sustainable communities by making well located and appropriately planned land available for the development of human settlement. As its primary activity, the HDA identify, acquire, hold, develop and release state, private and communal land and releases it for development. As part of its processes, the HDA conducts property holding plans in order to identify and implement services and maintenance requirements to ensure the sustainability and security of the properties in position.

**2. BACKGROUND**

The HDA owns a property in Philippi (Mitchels Plein), and the property is vacant with no development on it. There is a need for security measures to be implemented to physically survey the property by means of driving around the area for at least an hour on daily basis to check and also to prevent any illegal occupation of the property.

The extent of the property is 2.481 hectares and is undeveloped with natural vegetation such as shrubs and grass.

The property is located within a developed section of Philippi along the Sheffield road. There is an informal settlement across the property thereby exposing the property to high risk of invasion of the property due its location. There is a need for security measures to be implemented to physically survey the property by means of driving around the area for at least an hour on daily basis and prevent any unauthorised occupation of the property.

**2.1. Physical Location**

The property is located on Erf 10509 Philippi, along Sheffield Road. The size of the property is 2.481 hectares and has 1(one) unauthorised structure.

<b>Erf Number</b>	<b>Size Hectares</b>	<b>Land Occupancy Status</b>
Erf 10509 Philippi	2.481	1x unauthorised structure

An aerial view of all above portions is indicated on locality map attached to Annexure 1.

### **3. SCOPE OF SERVICES**

The HDA requires from appropriately qualified, competent, experienced and professionally registered security services providers to:

- Undertake the status analyses of the property, and
- Provide a detailed quotation to provide security services for the property.

#### **3.1. General requirements**

- 3.1.1.** The contract duration will be for 1(one) year period.
- 3.1.2.** All quotations/price proposals must be valid for the duration of the service. No price escalations will be effected during the service period.
- 3.1.3.** The security services shall be executed by a company properly registered and compliant to PSIRA and be able to provide proof registration to the HDA.
- 3.1.4.** The service provider must demonstrate their reputation, knowledge and expertise in line with the terms of reference.
- 3.1.5.** The service provider must have an operation office within 30 kilometres of the service sites, and demonstrate that they are able to attend to the emergencies at the service site in less than 30 minutes response time.
- 3.1.6.** The service provider shall ensure that its team has relevant expertise and have necessary equipment and support to undertake the work such as, two way radios, branded vehicle, vehicle monitoring systems, stationary and any security related working tools, qualified, competent and well trained officers and supervision thereof.
- 3.1.7.** The service guards requires to be fully uniformed and have a branded security company vehicle/s when performing these services and ownership proof of these should be provided on tender proposal documents.

### **4. DURATION OF AGREEMENT**

- 4.1.** The services shall be executed daily for approximately an hour on 7 days per week, or when required including Sundays and public holidays on a month to month contract term.
- 4.2.** The commencement of this service shall be on the 12<sup>th</sup> May 2019 and terminate on the 30 days month notice.

### **5. CODES AND STANDARDS**

- 5.1.** Be fully responsible for all work and services performed by its officers.
- 5.2.** Ensure that it and its staff are registered as Security Officers, as prescribed by the Private Security Industry Regulation Act, as amended and remain registered for the duration of this contract. HDA reserves the right to ascertain from PSIRA whether the security personnel in service of the company, are registered with PSIRA.
- 5.3.** Shall act as an authorise officer in terms of the Criminal Procedure Act, Act 51 of 1977, Section 23 (b) (as amended in the Criminal Procedure Amendment Act, Act 33 of 1986) Section 24, 29 and 42 (as amended in the Amendment of the Criminal Law Amendment Act, Act 59 of 1983) as well as Section 46, 49, 50 and 51.

- 5.4. Provide and execute everything necessary for the services in accordance with industry standards and norms in terms of the prevailing sectorial determination, and industry acceptable training levels in respect of PSIRA, and any other relevant regulations.

## 6. EXPECTED DELIVERABLES

- 6.1. Physical surveillance of the property by the fully uniformed and PSIRA registered **Grade C** officer/s daily for approximately an hour on 7 days per week, or when required, by driving around and monitor the areas for any invasions or construction of unauthorised structures and dumping.
- 6.2. Prevent or halt any unauthorised erection of structures, and thereafter facilitation of deconstruction of such structures by the owner of same or by the security company.
- 6.3. The provision of all service providers' equipment such as vehicles, qualified, competent and well-trained officers and supervision thereof, required for this service.
- 6.4. Preparation and submission of detailed site report to HDA monthly or as directed by the HDA.
- 6.5. Preparation and submission of detailed invoices for verification and approval by the HDA.
- 6.6. The compliance with all laws, by-laws, rules and regulations applicable to the services to be executed by the services provider.
- 6.7. Ensuring response times/submission times in respect of services and/or invoices will at all times be in accordance with the requirements of the HDA.

## 7. RETURNABLES

- 7.1 Submit the proposal documents in the following sequence;
  - 7.1.1 Annexure 1: Company profile with all certified copies of relevant certifications, accreditations and licences (CV's, awards, etc).
  - 7.1.2 Annexure 2: Valid original Tax clearance certificate, PSIRA registration certificate and any other security related certificates (certified copies).
  - 7.1.3 Annexure 3: Letter of good standing from workman's compensation commissioner, valid Unemployment Insurance Fund (UIF) proof of registration, public liability insurance and other relevant insurances.
  - 7.1.4 Annexure 4: Signed letters of appointment (contactable). .
  - 7.1.5 Annexure 6: Company's list of security equipment and infrastructure.
  - 7.1.6 Annexure 7: This RFP document and your company proposal with the approach, methodology and project plan.
  - 7.1.7 Annexure 8: Price Breakdown quotation.

## 8. EVALUATION PROCESS

The following table will demonstrate the criteria to be used for allocation of points for functionality as outlined above. Bids scoring less than **70 points** on functionality will be set aside.

8.1. Table 1 – Functionality

CRITERIA	SUB-CRITERIA	WEIGHTING/ POINTS
<b>Company profile (Attach Organogram)</b>	Company profile (s) to be submitted (in case of a joint Venture, all companies must submit separate profiles) indicating the Lead Company <ul style="list-style-type: none"> <li>• Submission – 5 points</li> <li>• Relevance of the profile – 5 points</li> </ul>	<b>10</b>
<b>Company profile (Attach Organogram)</b>	Related work and experience in fields related to the security services. Attach letters of appointment(signed on appointing company letterheads) <ul style="list-style-type: none"> <li>• 0-projects = 0 points</li> <li>• 1-project = 5 points</li> <li>• 2-projects = 10 points</li> <li>• 3-projects = 20 points</li> <li>• 4-projects = 30 points</li> <li>• 5 or more projects = 40 points</li> </ul>	<b>40</b>
	Capacity (demonstrate by supplying list of company equipment). <ul style="list-style-type: none"> <li>• Branded Vehicle/s )</li> <li>• Personal Protective Equipment (PPE)</li> <li>• Batons</li> <li>• 2-way Radios/Base Radios</li> <li>• Flash Lights</li> </ul>	<b>20</b>
<b>Work Plan</b>	Detailed approach, methodology and process to be adopted in the project. Project plan to be linked to deliverables and outputs. <ul style="list-style-type: none"> <li>• Approach – 10 points.</li> <li>• Methodology – 10 points.</li> <li>• Project Plan – 10 points.</li> </ul>	<b>30</b>
<b>TOTAL</b>		<b>100</b>

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

## 8.2. Table 2 – Price and B-BBEE

CRITERIA	SUB-CRITERIA	WEIGHTING/ POINTS
Price	Detailed budget breakdown	80
BBBEE (Status Level Verification Certificate)	B-BBEE Level Contributor	20
<b>TOTAL</b>		<b>100</b>

- The HDA proposal will be evaluated as per PPPFA regulations.

## 9. GENERAL

### 9.1. Below are compulsory requirements for this service:

**9.1.1** There will be no site visit and briefing meeting for this service. There will be no site visit and briefing meeting for this service. In order for the service provider to properly perform and complete his work, he/she shall ensure that he/she familiar with the properties and how the existing conditions will affect his work during services. The service provider shall visit and examine the sites to become acquainted with the adjacent areas, means and approach to the sites and conditions of the actual sites. Failure to visit the sites or failure to examine any and all contract documents will in no way relieve the service provider from necessity of developing any proposal, or performing any services that may be required to execute the work in accordance with the Terms of Reference. Neglect of above requirements will not be accepted as reason for delay in the services or additional compensation. See annexure A for sites aerial picture.

**9.1.2** It is important to note that the successful person will work under the supervision of a HDA representative, abide by HDA's Code of Conduct, and other organizational guidelines.

**9.1.3** Kindly complete and submit the HDA Supplier Registration form if not already on our database and submit together with:

- Registration with the National Treasury **Central Supplier Database (CSD Report)**, if not yet registered use the following link to register: <https://secure.csd.gov.za/>
- **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.**
- **PSIRA registration certificate (Company's).**
- **Valid and Original or Certified B-BBEE Status Level Verification Certificates issue by the following agencies SANAS, IRBA or CCA.**
- **Proof of operational office location in or within 30 kilometres of the subject properties is required.**

## **10. TERMS AND CONDITIONS**

- 10.1.** 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.
- 10.2.** No payment will be made where there is an outstanding information/work by the service provider/s.

## **11. SUBMISSION OF PROPOSAL**

**Proposals should be submitted on or before the 09 May 2019 by no later than 12h00 to the following address**

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

- 11.1.** Further information regarding technical matters can be sent an email to: [thabiso.limpe@thehda.co.za](mailto:thabiso.limpe@thehda.co.za) or at tel: 011 544 1000, and
- 11.2.** Further information regarding supply chain matter and queries can be sent via email to: [pfarelo.netshisaulu@thehda.co.za](mailto:pfarelo.netshisaulu@thehda.co.za) or at tel: 011 544 1000
- 11.3.** 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 1**

**Erf 10509 Phillipi City of Cape Town Western Cape**



 [land@thehda.co.za](mailto:land@thehda.co.za)

**Legend**

- Town
- Housing Projects 2012
- Informal Settlements 2011
- Educational Institutions
- Medical Facilities
- Places of Worship
- Shopping Facilities
- Transportation
- Highways
- Main Roads
- Railway
- Dams
- Properties
- Suburbs
- Towns
- Local Municipality
- District Municipality

0 0.02 0.04 0.06  
Kilometers



## 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
<b>PRICE</b>	80
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	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:

**80/20**                                  **or**                                  **90/10**

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

Where

P<sub>s</sub> = Points scored for price of bid under consideration

P<sub>t</sub> = Price of bid under consideration

P<sub>min</sub> = Price of lowest acceptable bid

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

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

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

## 5. BID DECLARATION

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

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

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

## 7. SUB-CONTRACTING

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

(Tick applicable box)

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

7.1.1 If yes, indicate:

- 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"/>
-----	--------------------------	----	--------------------------

- 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>..... SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p> <p>.....</p>
---------------------------------------------------------------------------------------------------------------

## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1. This Standard Bidding Document must form part of all bids invited.
2. It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
3. The bid of any bidder may be disregarded if that bidder, or any of its directors have-
  - a. abused the institution's supply chain management system;
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. failed to perform on any previous contract.
4. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid:**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</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	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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.

## 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 consortium<sup>3</sup> will not be construed as collusive bidding.

<sup>3</sup> 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.

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.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder