

P.O. Box 3209,
Houghton, 2041
Block A,
Riviera Office Park,
6-10 Riviera Road,
Riviera



REQUEST FOR PROPOSALS

**MARKET FEASIBILITY STUDY FOR THE DEVELOPMENT OF
FERDINAND POSTMAPARK PROPER- N12 TLOKWE INTEGRATED
DEVELOPMENT PROJECT, WITHIN JB MARKS LOCAL
MUNICIPALITY IN NORTHWEST PROVINCE**

RFP/NW/2020/001

**PROPOSALS TO BE SUBMITTED BY
NOT LATER THAN
12H00 THURSDAY, 23 JULY 2020**

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 sustainable human settlements. As its primary activity, the HDA assembles state, private and communal land and releases it for development. In addition, the HDA provides project delivery support services to organs of state at Local, Provincial and national level. Informal settlements upgrading and project management services are a particular focus of the organisation.

In the North West Province, the HDA has signed an implementation protocol with the provincial department of Local Government and human settlements. One of the objectives in the Medium Term Operational Plan is to support the department with human settlements planning. Further to this, the HDA is required, to undertake any processes relating to approvals required for housing development and prepare the necessary documentation for consideration and approval by relevant authorities.

In collaboration with JB Marks Local Municipality, the Housing Development Agency is in the process of developing an integrated human settlement known as Ferdinand Postmapark Proper (Vyfhoek development), located on various portions of farm Vyfhoek 428- IQ. As part of the process to inform the development objectives of this project, the HDA intends to utilize services of appropriately qualified and experienced professional service provider to undertake a market feasibility study.

2. LOCATION OF THE STUDY AREA

The locality map of the properties to be investigated is attached hereto. The property descriptions are provided as follows;

Table 1: Property descriptions

MUNICIPALITY	PROPERTY DESCRIPTION	PROJECT EXTENT (HA)	OWNERSHIP
JB Marks Local Municipality	Portions 693, 694, 695, 697, 806, 807, 809, 988, 989 and 990 of Farm Vyfhoek 428 IQ	198,9455 ha	JB Marks Local Municipality

The subject property is located within the jurisdiction of JB Marks Local Municipality, directly East of the township of Van Der Hoffpark and North of the N12 in Potchefstroom.

3. OBJECTIVES

The objective of this project is to conduct a market research study to determine the market feasibility with regards to the development of integrated human settlements on the Ferdinand Postmapark (Proper) in JB Marks LM. The specific aims of the study are therefore:

1. To determine relevant market trends in the residential property market for the Potchefstroom Town
2. To determine whether there is a market gap for the development of residential units in the proposed Ferdinand Postmapark.
3. To determine what the social implications are for society, as well as the economic and environmental implications.

4. SCOPE OF WORK

The service providers are expected to develop a proposal on how the market feasibility study will be conducted. The scope of work for professional services shall include, but not limited to the following:

- Review the social and economic trends, issues and dynamics of the broader local community and the study area
- Analyse the residential, business and industrial property market indicators, trends, issues and dynamics of the study area
- Conduct a supply and demand analysis and calculate the market gap/net effective demand
- Provide market related development recommendations for Ferdinand Postmapark Integrated Development, in terms of:
 - Calculating demand for various housing typologies (Subsidised, FLIPS, Affordable, Middle and High income)
 - Development concept: residential typologies, including stand sizes and unit sizes
 - Critical success factors for the financial feasibility of the project.
- Conduct Socio-economic study to assess whether the social/economic/environmental effects of the project are justified.

5. OUTPUTS AND DELIVERABLES

In accordance with the relevant standards and procedures for professional practice, and contracted scope of work, the successful professional service provider (s) will submit and make both oral and written presentations on the following outputs and deliverables:

- Status Quo Analysis
- Trend Analysis
- Market Feasibility
- Socio-economic study
- Findings, Conclusions and Development Recommendations

An oral presentation for each of the above outputs will be delivered to the client. A soft copy and three (3) hard copies are required.

The potential bidders/service providers must develop project proposal that must clearly outline the following:

1. Project management and coordination mechanism(s)
2. Clear approach and methodology
3. Information and data sources that will be utilised
4. Main project phases and deliverables linked to timeframes and budget
5. The proposed project team and their proposed roles in the project
6. Experience of the key staff in relation to the scope of work
7. Company experience with respect to aspects of the project

6. CONTRACT PERFORMANCE

The study must be completed in eight (8) weeks after the appointment letter has been issued. It is estimated that the consultant shall complete the assigned works as per the following schedule:

- Inception Report: within 1 week starting from the date of signing of contract.
- Status Quo analysis report : within 2 weeks after submission and discussion of the inception report
- Trend analysis Report: 1 week after discussion of status-Quo Report
- Market feasibility: within 2 weeks after discussion of trend analysis Report
- Final Conclusions, Proposals and development Recommendations Report: within 2 Weeks after discussion of trends analysis report

7. REQUIRED SKILLS

The service provider is expected to assemble a team with the following expertise

- Project leader (Social Scientist), needs to have vast knowledge and experience in Community development, social facilitation, research, town and spatial planning, strategic housing planning and Local Economic Development.
- Team members must also demonstrate experience in research, needs assessments, and socio-economic surveys.

The above professional staff composition is the client's suggestion as a minimum requirement. The consultants are advised to propose their own team composition based on the scope of work as defined in section 4.

8. EVALUATION PROCESS

8.1. In order to facilitate a transparent selection process that allows equal opportunity to all services providers, the HDA will adhere to its policy on the appointment of services providers.

8.2. The assessment and evaluation of submitted proposals will undergo a process of Pre-qualification and an Evaluation Phase. The initial phase of the evaluation will be in a 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 tenderers who meet the Pre-qualification conditions will be considered for the next phase. i.e. Evaluation Phase. A tender that fails to meet any Pre-qualifying criteria stipulated in the tender document is an unacceptable tender.

Pre-qualification conditions which an applicant must meet in order to be considered:

- A tenderer having a stipulated minimum of level **1 to 4 B-BBEE** status level

9.3. The general methodology of selection will be the first evaluation of proposals on their technical ability to perform the task.

- The benchmark of minimum 70 points out of 100 points on technical functionality will be the cut off to qualify for further evaluation
- Those that qualify will be assessed using the **80:20** formula for Price and **B-BBEE** as per the PPPFA.

Table 2 – Evaluation Criteria

CRITERIA	SUB-CRITERIA	WEIGHTING/ POINTS
Lead Company profile (Attach Organogram)	Company profile (s) to be submitted (in case of a joint Venture, all companies must submit separate profiles and a signed joint venture agreement must be submitted) indicating the Lead Company. The company profile to be relevant to the scope of work.	10
Work Related Experience	Related work and related experience in Market Feasibility Study for residential developments to be assessed as follows; Provide contactable reference letters or appointment letters with references as follows: 0-projects = 0 points 1-project = 5 points 2-projects = 10 points 3-projects = 15 points 4-projects = 20 points 5 projects = 25 points 6 or more projects = 30 points	30

<p>CVs of team members proposed to do the work</p>	<p>Demonstrable skills, qualifications, relevant knowledge and experience of Market Survey (Urban/ Town Planner, Socio economic specialists, Social Scientist, development specialist and real estate.</p> <p>Urban/ Town Planner or Development specialist</p> <ul style="list-style-type: none"> •10 years' experience and above =10 points •6-9 years' experience =7 points •3-5 years' experience = 5 points •1-2 years' experience = 3 points <p>Socio economic specialists or Social Scientist:</p> <ul style="list-style-type: none"> •10 years' experience and above =10 points •6-9 years' experience =7 points •3-5 years' experience = 5 points •1-2 years' experience = 3 points <p>Real estate:</p> <ul style="list-style-type: none"> •10 years' experience and above =10 points •6-9 years' experience =7 points •3-5 years' experience = 5 points •1-2 years' experience = 3 points 	<p>30</p>
<p>Approach, Methodology , Work Plan and Process</p>	<p>Work programme and meeting deliverables and timeframes (10)</p> <p>Allocation of resources and tasks (10)</p> <p>Proposed methodology (10)</p>	<p>30</p>
<p>TOTAL</p>		<p>100</p>

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

Table 3 – Price and B-BBEE

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
Total		100

The proposal will be evaluated as per PPPFA regulations.

***If points are claimed for disabled persons indicate nature of impairment and medical certificate/proof must be submitted**

9. REQUIREMENTS

9.1 Below are compulsory requirements for this service

9.2 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.

9.3 Kindly submit the following documents:

- Valid original tax clearance certificate.
- SBD Forms (SBD4, SBD6.1, SBD8 and SBD9) obtainable from HDA Website: www.thehda.co.za/procurement. Under compliance checklist.
- Price proposals on all work to be done.
- **Valid and Original or Certified B-BBEE** Status Level Verification Certificates issued by the following agencies SANAS, IRBA or CCA.

9.4 Further information regarding technical matters can be sent via an email to:

nhlamulo.chauke@thehda.co.za or tel: 011 544-1000

9.5 Further information regarding supply chain matters and queries can be send via email to:

mxolisi.zondo@thehda.co.za or tel: 011 544-1000

10. SUBMISSION OF PROPOSALS

Proposal should be submitted on or before the **23 July 2020** by no later than **12h00** to the following address:

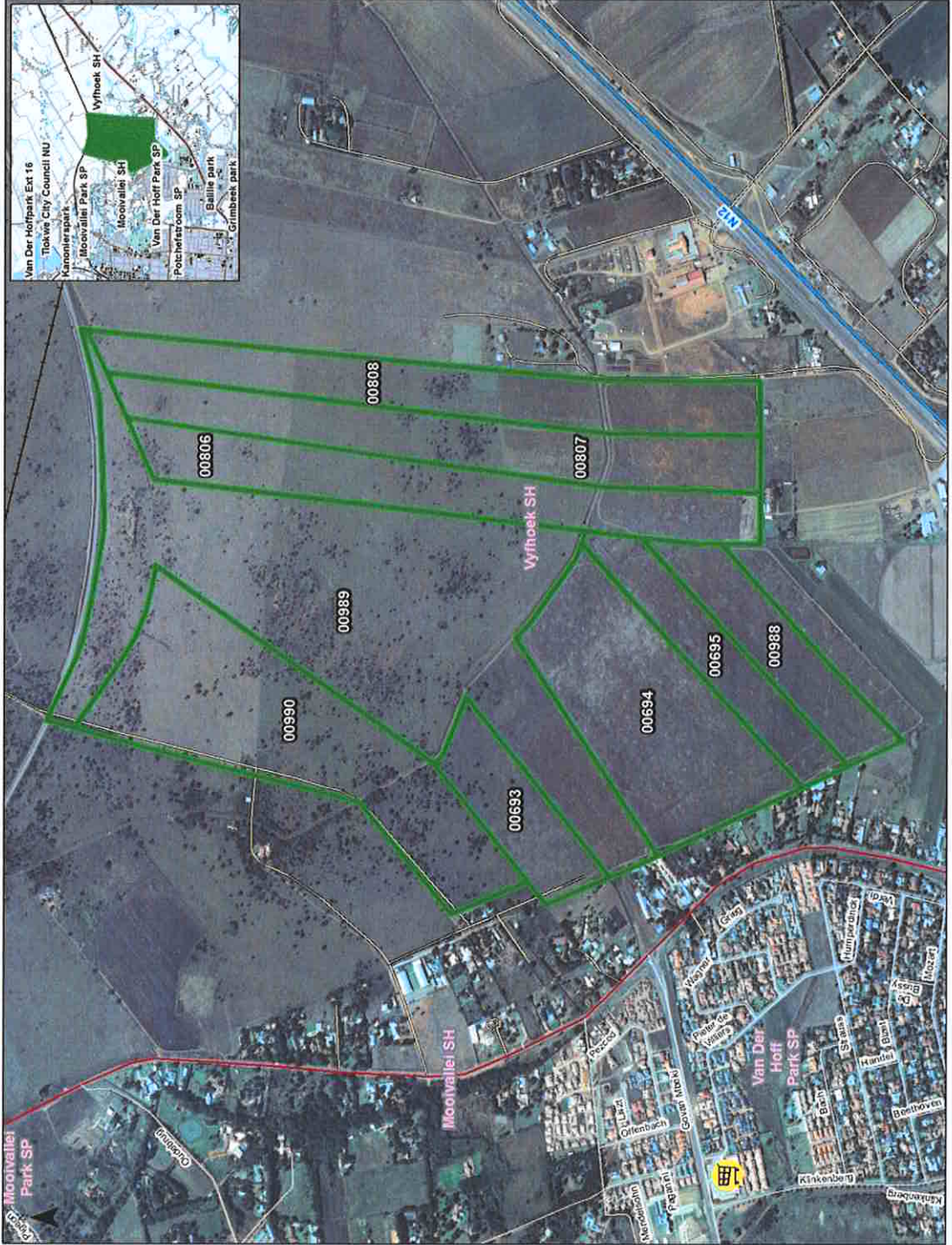
**The Procurement Officer
The Housing Development Agency,
Block A, 6-10 Riviera Road, Killarney, 2193,
Tel: 011 544 1000**

10.1 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.

11. GENERAL

The HDA expresses that in an event of any service provider being appointed on this job, there is no expectation that any follow up work on this project will be granted to the same service provider.

Various properties, Vyfhoek 428 IQ, Vyfhoek SH, Tlokwe City Council LM : NW



land@thehda.co.za

Portion	Extent(ha)
00695	9.5612
00694	23.5884
00693	8.2392
00988	9.5283
00808	19.5101
00807	19.5541
00806	19.4154
00990	30.1342
00989	59.1258

Legend

- Properties
- Points of Interest**
 - Shopping Facilities
- Transport infrastructure**
 - Highways
 - Railway
 - Streets
 - Secondary roads
 - Other roads



SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:.....

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

2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:
.....

2.5 Tax Reference Number:

2.6 VAT Registration Number:

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

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 attach 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

2.9.1 If so, furnish particulars.
.....
.....

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

YES / NO

4.1 If so, furnish the following particulars of your sub-contractor(s):

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

5 DECLARATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

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

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

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

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

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

1.3 Points for this bid shall be awarded for:

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

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

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

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

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

3. POINTS AWARDED FOR PRICE

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

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

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

Where

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

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

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

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

5. BID DECLARATION

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

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

6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

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

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted.....%

ii) The name of the sub-contractor.....

iii) The B-BBEE status level of the sub-contractor.....

iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

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

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people	<input type="checkbox"/>	<input type="checkbox"/>
Black people who are youth	<input type="checkbox"/>	<input type="checkbox"/>
Black people who are women	<input type="checkbox"/>	<input type="checkbox"/>

Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name _____ of
 company/firm:.....

8.2 VAT _____ registration
 number:.....

8.3 Company _____ registration
 number:.....

8.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
 - One person business/sole propriety
 - Close corporation
 - Company
 - (Pty) Limited
- [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

- Manufacturer
 - Supplier
 - Professional service provider
 - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in
 business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the
 company/firm, certify that the points claimed, based on the B-BBE status level of
 contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies
 the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as
 indicated in paragraph 1 of this form;

- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>
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<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p> <p>ADDRESS</p> <p>.....</p> <p>.....</p>
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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>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/ Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
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?	Yes <input type="checkbox"/>	No <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 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.

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.

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