

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



REQUEST FOR PROPOSAL

TO

**UNDERTAKE BASIC ENVIRONMENTAL ASSESSMENTS, GEO-TECHNICAL
INVESTIGATION AND FLOODLINE DETERMINATION ON VARIOUS PROPERTIES
SITUATED WITHIN THE MADIBENG LOCAL MUNICIPALITY IN THE NORTH
WEST PROVINCE:**

RFP/NW/2019/005

PROPOSAL TO BE SUBMITTED BY THE 10TH MARCH 2020

NOT LATER THAN

12H00

JULY 2017

TERMS OF REFERENCE TO UNDERTAKE BASIC ENVIRONMENTAL ASSESSMENTS, GEO-TECHNICAL INVESTIGATION AND FLOODLINE DETERMINATION ON VARIOUS PROPERTIES SITUATED WITHIN THE MADIBENG LOCAL MUNICIPALITY IN THE NORTH WEST PROVINCE.

1. PROJECT TITLE

Undertaking of Phase 1 Geo-Technical Investigations (Inclusive to Preliminary Shallow Geo-Technical Assessment), Basic Environmental Assessments (inclusive to Wetland Delineation) and floodline determination on various properties listed on the table below:

Municipality	Property Description	Extent (ha)
Madibeng Local Municipality	<i>Part of portion 504 of the Roodekopjes of Zwartkopjes 427 JQ and Part Portion 0 of farm Zwartkopjes 978 JQ</i>	17.9771
	<i>Portion 505 of the Roodekopjes of Zwartkopjes 427 JQ</i>	11.5944
	<i>Portion 329 of the farm Roodekopjes of Zwartkopjes 427 JQ</i>	2.818
	<i>Portion 480 of the Roodekopjes of Zwartkopjes 427 JQ</i>	17.7205
	<i>Portion 217 of the farm Roodekopjes of Zwartkopjes 427 JQ</i>	12.4925
	<i>Portion 828 of the farm Roodekopjes of Zwartkopjes 427 JQ</i>	3.4811
	<i>Portion 473 of the farm Roodekopjes of Zwartkopjes 427 JQ</i>	9.6695
Total		75,7531 ha

Refer to annexure the attached Locality maps.

2. INTRODUCTION & BACKGROUND

As part of its legislative mandate, section 7 of the Housing Development Agency Act, (Act 23 of 2008) requires the Housing Development Agency (HDA) to, amongst others, undertake any processes relating to approvals required for housing development, prepare necessary documentation for consideration and approval by the relevant authorities, monitor progress of the development of land and landed properties acquired for the purposes of creating sustainable human settlements.

As part of its processes, the HDA intends to conduct **Phase 1 Geo-Technical Investigations, Basic Environmental Assessments and Flood line determination** on the above-mentioned properties in order to:

- Determine soil stability and suitability through Preliminary Shallow Geo-Technical Assessment and Laboratory testing.
- Establish if there is any fluctuation of ground water levels and what impact that would have on the proposed development (porosity and permeability of the underlying aquifers)
- Establish if the above properties could be / have the potential to be developed for sustainable human settlement;
- Establish any other unknown risks on the property with regard to environmental / soil challenges;

- To determine if the study area does not have biodiversity elements that needs to be preserved or are not affected by environmental hazards that could hamper Housing development. ie, Critical Biodiversity areas (CBAs), eg Dolomite, Graves, etc;
- Determine the extent of developable areas through diagrammatic / schematic presentations of the property;
- Delineating of a wetland to determine the hydrological conditions on the site from the land that is available for development.

3. OBJECTIVE OF THE PROJECT

- 3.1. Conduct Phase 1 Geo-Technical Assessment to establish soils stability and suitability, Basic EIA with wetlands delineation and advice the HDA on mitigation measures to be applied should the land need any sort of transformation for the proposed projects.
- 3.2. Provide for Laboratory Testing results as part of further assessment and recommendations thereof.
- 3.3. Conduct appropriate hydrological methods for delineation of wetlands.
- 3.4. Provide the HDA with three (3) separate comprehensive reports for Geo-Technical Assessments, Basic Environmental Assessments and Flood line Determination for the property with recommendations advising the HDA on whether to pursue the project of developing human settlement development or not, based on the findings of the latter reports.

4. PROJECT SCOPE & METHODOLOGY

- 4.1. Conduct phase 1 Geo-Technical Assessment and indicate any challenges with respect to soil/bedrock which might pose risks to the establishment of the township and development of an integrated human settlement on the above properties.
- 4.2. Conduct Laboratory Tests results as part of the further assessment and recommendations thereof.
- 4.3. Submission of the final Basic Environmental Assessment reports outlining environmental challenges which might pose risks to the establishment of the township and development of an integrated human settlement on the above-mentioned property and possible mitigation measures.
- 4.4. Undertake a **Flood-line Determination** which will include but not be limited to:
 - The delineation of wetland areas within the proposed site
 - Study the catchment characteristics
 - Calculating floor peaks

5. DELIVERABLES & OUTPUTS

- 5.1. Provide the HDA with a Geo-Technical Zones Plan, indicating the Preliminary Shallow Geo-Technical Assessment or Testing;
- 5.2. Provide the HDA with Laboratory test results, and recommendations or advise on the suitability and stability of soils;
- 5.3. Provide the HDA with a visible plan indicating development potential of sites and denoting the extent as to where the development should be restricted;
- 5.4. Provide the HDA with comprehensive reports and related drawings for Phase 1 Geo-Technical Assessments, Basic Environmental Assessment and flood line Determination reports with interpretations and recommendations advising the HDA of development potential of the sites, associated risks and mitigation measures with regards to the proposed projects for human settlement development; and
- 5.5. Provide the HDA with the soft copies of the above drawings and the reports in a PDF, Word and Shape files and/DWG format.

6. OTHER RELATED ANNEXURES

- 6.1. All other related information attained from any other relevant / responsible authorities, which would assist in undertaking of Geo-Technical Assessment, Basic Environmental Assessment and Wet land delineation should form part of annexures of the comprehensive reports to be submitted to the HDA.

7. DURATION

- 7.1. The project with final reports and related plans / drawings on Basic Geo-Technical and Environmental Assessment should be submitted to the HDA within a period of three (3) months, after the successful bidder has been appointed.

8. EVALUATION

- 8.1. In order to facilitate a transparent selection process that allows equal opportunity to all companies, the HDA has a policy for the appointment of consultants that will be adhered to. Proposals will be evaluated in terms of the prevailing supply chain policy applicable to the HDA and it should be noted that proposals will be assessed using the 80: 20 formula for Price and BEE as per the PPPFA.

Functionality

FUNCTIONALITY / QUALITY CRITERIA		WEIGHTING/ POINTS
Lead Company Profile and organogram	<p>Company profile (s) to be submitted (in case of a joint Venture, all companies must submit separate profiles) indicating the Lead Company. The Leading company to be a town planning firm and Profiles to be appropriate to tender subject matter.</p> <p>Environmental management, Geology, engineering geology, geohydrology, geotechnical engineering Specialist company = 15 points</p> <p>Any other Engineering and Built Environment company = 5 points</p>	15
Work Related Experience	<p>Related work of the lead company and related experience in, Environmental management, Geology, engineering geology, geohydrology, geotechnical engineering to be assessed as follows;</p> <p>Provide Letters of appointment and or reference letters as follows:</p> <p>5 or more projects = 25 points 4-projects = 20 points 3-projects = 15 points 2-projects = 10 points 1-project = 5 points 0-projects = 0 points</p>	25
Capacity individual and team members CV's	<p>Demonstrable skills, qualifications and capacity, relevant knowledge and experience of the Geologist, engineering geologist, geohydrologist or geotechnical engineer to be assessed as follows;</p> <p>A Professional Registration with South African Council for Natural Science = (20) Points</p> <p>Level of Experience = 15 points</p> <ul style="list-style-type: none"> • 10 years' experience and above =15 points • 5 years' experience =10 points • 3 years' experience = 5 points 	35
Methodology	<p>Clear Work programme, plan and allocation of resources and tasks (5) Points; (work plan to be appropriate to the tender subject matter and relevant legislation timeframes)</p>	20

	Meeting deliverables and timeframes (5) Points	
	Proposed delivery methodology (10) Points	
Ownership	Black Woman ownership = 5 Points	5
TOTAL		100

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

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

Table 1 – Price and BEE

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

The HDI proposal will be evaluated as per PPPFA regulations.

9. PAYMENT STRUCTURE

9.1. Payment will be made within 30 days of receipt of the materials specified above and as per signed off proofs.

10. GENERAL

10.1. Kindly submit the following together with your quotation:

- Central Supplier Database (CSD) registration.
- SBD Forms (SBD4, SBD6.1, SBD8 and SBD9) obtainable from HDA Website: www.thehda.co.za/procurement. Under compliance checklist.
- **Valid and Original or Certified B-BBEE Status Level Verification Certificates issued by the following agencies SANAS, IRBA or CCA.**

10.2. Further information regarding supply chain matter and queries can be send via email to: pfarelo.netshisaulu@thehda.co.za or at Tel: 011 5441000

Further information regarding technical matters can be addressed to Mr Mmemeng Tsehla Tel. (011) 544 1000 email: Nhlamulo.chauke@thehda.co.za

11. TERMS AND CONDITIONS

11.1. 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.

11.2. No payment will be made where there is an outstanding information/work by the service provider/s.

12. SUBMISSION OF PROPOSAL

12.1 Proposal should be submitted on or before the **10 March 2020 by no later than 12h00** to:

The Housing Development Agency

Block A, Riviera Office Park, 6-10 Riviera Road, Killarney, 2193

12.2 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



DECLARATION OF INTEREST

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

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

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

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:

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

2.4 Company Registration Number:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

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

¹"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

²"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

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

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:
Name of state institution at which you or the person connected to the bidder is employed :
Position occupied in the state institution:

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

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

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

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

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

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

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

2.8.1 If so, furnish particulars:

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

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

4 DECLARATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

**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
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:

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

- 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		
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>

<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?	<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 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