REQUEST FOR QUOTATIONS

TO UNDERTAKE GEO-TECHNICAL INVESTIGATION ON PORTION 4 ZANDPAN 423 IP, SITUATED IN THE MATLOSANA LOCAL MUNICIPALITY WITHIN THE NORTH WEST PROVINCE:

RFP/NW/2019/004

QUOTATIONS TO BE SUBMITTED BY

NOT LATER THAN

12H00 ON 10 MARCH 2020

RFQ/NW/2019/004
TERMS OF REFERENCE TO UNDERTAKE GEO-TECHNICAL INVESTIGATION ON PORTION 4 ZANDPAN 423 IP IN MATLOSANA LOCAL MUNICIPALITY WITHIN THE NORTH WEST PROVINCE.

1. PROJECT TITLE

Undertaking of Geo-Technical Investigations on Portion 4 Zandpan 423 IP, measuring approximately 129.4680 in extent as per the deeds of transfer T75460/2012.

Refer to 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) enjoins the Housing Development Agency (HDA) to, amongst others, undertake any process relating to approvals required for housing development, prepare necessary documentation for consideration and approval by the relevant authorities. It further requires the agency to 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 Geo-Technical Investigations on the above-mentioned property in order to:

- Determine soils stability and suitability through Geo-Technical Assessment and Laboratory testing.
- Establish the possibilities of existence and or non-existence of any ground water, dolomitic conditions, abnormal water table level challenges;
- Establish if the properties in question have potential for sustainable human settlements development;
- Trial pitting and profiling
- CBR Tests (Bearing capacities) where roads are specified or where applicable
- Foundation indicator tests,
- Road indicator tests (where roads are specified)
- Permeability tests - where applicable
- Ph and conductivity tests - where applicable
- Collapse potential testing - where applicable
- DCP Testing - where applicable
- Topographical and geomorphologic interpretation.

3. OBJECTIVE AND SCOPE OF THE PROJECT

a. Conduct Geo-Technical Assessment to establish soils stability and suitability, and advice the HDA on mitigatory measures to be applied should the land need any sort of transformation for human settlement development.
b. Provide for Laboratory Testing results as part of further assessment and recommendations thereof.

c. Provide the HDA with a comprehensive report for Geo-Technical Assessments for the property with recommendations as to whether the development of human settlement development is feasible or not.

4. PROJECT METHODOLOGY

a. Desktop Study - A complete desk study, entailing the gathering of information from the relevant topographical maps, geological map sheets and Hydrogeological map should be conducted.

b. Field Investigation - the site investigation should include subsurface exploration through the excavation of trial pits and DCP testing to obtain information on the physical properties of the surficial soils underlying the site

c. Trial pitting

d. Dynamic Cone Penetrometer (DCP)

e. Sample Collection

f. Interpretation of data and report writing

5. DELIVERABLES & OUTPUTS

a. Provide the HDA with a Geo-Technical Zones Plan, indicating the Geo-Technical Assessment or Testing;

b. Provide the HDA with Laboratory test results, and recommendations on the suitability and stability of the soil;

c. Provide the HDA with a visible plan indicating development potential of sites and denoting the extent as to where the development should be restricted;

d. Provide the HDA with a comprehensive report and related drawings for Geo-Technical Assessments report 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

e. Provide the HDA with soft copies of the above drawings and the reports in a PDF, Word and Shape files and/DWG format.

6. OTHER RELATED ANNEXURES

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

7. DURATION

a. The project with final reports and related plans / drawings on Geo-Technical should be submitted to the HDA within a period of three (03) months after the successful appointment of a bidder.
8. EVALUATION

a. 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 B-BBEE as per the PPPFA.

b. 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 1 – Evaluation Criteria

<table>
<thead>
<tr>
<th>FUNCTIONALITY / QUALITY CRITERIA</th>
<th>WEIGHTING/ POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lead Company Profile and organogram</strong></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>15</td>
</tr>
<tr>
<td>Geology, engineering geology, geohydrology, geotechnical engineering Specialist company = 15 points</td>
<td></td>
</tr>
<tr>
<td>Built Environment companies = 5 points</td>
<td></td>
</tr>
<tr>
<td><strong>Work Related Experience</strong></td>
<td>30</td>
</tr>
<tr>
<td>Related work of the lead company and related experience in Geology, engineering geology, geohydrology, geotechnical engineering to be assessed as follows;</td>
<td></td>
</tr>
<tr>
<td>Provide Letters of appointment and or reference letters as follows:</td>
<td></td>
</tr>
<tr>
<td>0-projects = 0 points</td>
<td></td>
</tr>
<tr>
<td>1-project = 5 points</td>
<td></td>
</tr>
<tr>
<td>2-projects = 10 points</td>
<td></td>
</tr>
<tr>
<td>3-projects = 15 points</td>
<td></td>
</tr>
<tr>
<td>4-projects = 20 points</td>
<td></td>
</tr>
<tr>
<td>5 or more projects = 30 points</td>
<td></td>
</tr>
<tr>
<td><strong>Capacity and individual team members CV’s</strong></td>
<td>35</td>
</tr>
<tr>
<td>Demonstrable skills, qualifications and capacity, relevant knowledge and experience of the Geologist, engineering geologist, geohydrologist or geotechnical engineer to be assessed as follows;</td>
<td></td>
</tr>
</tbody>
</table>

RFQ/NW/2019/004
A Professional Registration with South African Council for Natural Science = (15) Points

Level of Experience = 20 points
• 10 years' experience and above = 20 points
• 5 years' experience = 10 points
• 3 years' experience = 5 points

Methodology
Clear Work programme, plan and allocation of resources and tasks; (work plan to be appropriate to the tender subject matter and relevant legislation timeframes) (5) Points
Meeting deliverables and timeframes (5) Points
Proposed delivery methodology (10) Points

TOTAL 100

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

Table 2 – Price and B-BBEE

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>SUB-CRITERIA</th>
<th>WEIGHTING/POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price</td>
<td>Detailed budget breakdown</td>
<td>80</td>
</tr>
<tr>
<td>B-BBEE (Status Level Verification Certificate)</td>
<td>B-BBEE Level Contributor</td>
<td>20</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>100</td>
</tr>
</tbody>
</table>

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

Below are compulsory requirements for this service.
Note: Failure to comply with the following requirement will automatically disqualifies the bidder.

a. 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.

b. Kindly complete and submit the HDA Supplier Registration form if not already on our database and submit together with:
   - CSD registration report (Registration with the National Treasury Central Supplier Database, 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. Under compliance checklist.
   - Valid and Original or Certified B-BBEE Status Level Verification Certificates issued by the following agencies SANAS, IRBA or CCA.
   - Price proposals on all work to be done.

11. SPECIAL CONDITIONS

11.1 The appointment of the service provider will not necessarily be on the basis of the lowest quote.
11.2 Quotes should be detailed and clearly specify the services and cost, market related prices will be negotiated with the preferred service provider.
11.3 The HDA reserves the right not to award the contract.
11.4 Further information regarding technical matters can be sent an email to:

Nhlamulo Chauke @thehda.co.za or at tel: 011 544 1000, and

11.5 Further information regarding supply chain matter and queries can be send via email to:
Mxolisi.Zondo@thehda.co.za or at tel: 011 5441000

12. TERMS AND CONDITIONS

12.1 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.
12.2 No payment will be made where there is an outstanding information/work by the service provider/s.
13. SUBMISSION OF QUOTATION

13.1 Proposals should be submitted on or before 10 MARCH 2020 by no later than 12h00 to:

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

13.2 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.
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
2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? YES/NO

2.10.1 If so, furnish particulars.

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

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract? YES/NO

2.11.1 If so, furnish particulars:

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

3 Full details of directors / trustees / members / shareholders.

<table>
<thead>
<tr>
<th>Full Name</th>
<th>Identity Number</th>
<th>Personal Tax Reference Number</th>
<th>State Employee Number / Persal Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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


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** 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:

<table>
<thead>
<tr>
<th></th>
<th>POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRICE</td>
<td></td>
</tr>
<tr>
<td>B-BBEE STATUS LEVEL OF CONTRIBUTOR</td>
<td></td>
</tr>
<tr>
<td>Total points for Price and B-BBEE must not exceed</td>
<td>100</td>
</tr>
</tbody>
</table>

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:

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

Where

\[ P_s \quad \text{Points scored for price of bid under consideration} \]
\[ P_t \quad \text{Price of bid under consideration} \]
\[ P_{\text{min}} \quad \text{Price of lowest acceptable bid} \]

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:
<table>
<thead>
<tr>
<th>B-BBEE Status Level of Contributor</th>
<th>Number of points (90/10 system)</th>
<th>Number of points (80/20 system)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>9</td>
<td>18</td>
</tr>
<tr>
<td>3</td>
<td>6</td>
<td>14</td>
</tr>
<tr>
<td>4</td>
<td>5</td>
<td>12</td>
</tr>
<tr>
<td>5</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>7</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Non-compliant contributor</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

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 | NO |

7.1.1 If yes, indicate:

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

ii) The name of the subcontractor: ..................................................

iii) The B-BBEE status level of the subcontractor: ..................................

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

*(Tick applicable box)*

| YES | NO |

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

<table>
<thead>
<tr>
<th>Designated Group: An EME or QSE which is at last 51% owned by:</th>
<th>EME</th>
<th>QSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black people</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people who are youth</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people who are women</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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 proprietor
- 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.

WITNESSES
1. ........................................
2. ........................................

SIGNATURE(S) OF BIDDERS(S)

DATE: ........................................
ADDRESS ........................................
........................................
........................................

Page 5 of 5
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:

<table>
<thead>
<tr>
<th>Item</th>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>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?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>(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 audit alteram partem rule was applied).</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.1.1</td>
<td>If so, furnish particulars:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.2</td>
<td>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)?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.2.1</td>
<td>If so, furnish particulars:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.3</td>
<td>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?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Item</td>
<td>Question</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>------</td>
<td>-------------------------------------------------------------------------------------------</td>
<td>-----</td>
<td>----</td>
</tr>
<tr>
<td>4.3.1</td>
<td>If so, furnish particulars:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.4</td>
<td>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?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.4.1</td>
<td>If so, furnish particulars:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**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 consortium\(^3\) 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.

........................................................................................................
Signature
........................................................................................................
Date
........................................................................................................
Position
........................................................................................................
Name of Bidder