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Houghton, 2041
Block A,
Riviera Office Park,
6-10 Riviera Road,
Riviera



REQUEST FOR PROPOSALS
FOR THE DEVELOPMENT OF A PROJECT READINESS MATRIX FOR WEST RAND
DISTRICT MUNICIPALITY – GAUTENG PROVINCE

RFP/JHB/2020/008

PROPOSALS TO BE SUBMITTED BY
NOT LATER THAN
12H00 ON 14 AUGUST 2020

1. INTRODUCTION AND BACKGROUND

The Housing Development Agency (HDA) is a national public development agency that promotes sustainable communities by making well-located land and buildings available for the development of human settlements. As its primary activity, the HDA assembles state, private and communal land and buildings and releases it for development. In addition, the HDA provides project delivery support services to organs of state at local, provincial and national level.

As part of its legislative mandate, Section 7 of the Housing Development Agency Act, (Act No. 23 of 2008) requires the Agency 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 immovable property acquired for the purposes of creating sustainable human settlements.

The HDA has been appointed by the National Department of Human Settlements to assist with the Human Settlements component of the National Mining Towns Intervention. The objectives of the human settlements component of the intervention require the transformation of the mining towns through the creation of sustainable integrated human settlements.

The intervention requires the following broad thrusts:

- Fast-tracking and supporting existing human settlement projects in the mining towns areas.
- Identification of suitable areas of further areas of investment taking into account the human settlement conditions in the identified mining town.
- Identification of partners for implementation; and
- Providing technical support to mining towns.

2. OBJECTIVES OF THE PROJECT

The objective of this project is to develop a readiness Metrix for all projects that emanated from the Spatial Transformation Plans for West Rand District Municipality.

3. SCOPE OF WORKS

3.1 Development Pipeline

- Identification of specific areas, within the identified mining towns, that require intervention (providing a detailed description of the identified projects and status)
- Assess the state of readiness of the identified projects from the Spatial Transformation Plans

3.2. Provide A Matrix of all the Projects detailing:

Intervention type	
3.2.1. Land assembly	<ul style="list-style-type: none">• Full descriptions of the properties• Location of the properties in the context of the municipal planning;• Status quo in terms of the land ownership arrangements;• Purpose for which the land is required;• Status and alignment of the land requirements with the IDP and provincial planning• Identification and ranking different land portion priority in terms of other intervention type over the multiyear horizon;• Alignment with other priority programmes such as Catalytic programme and UISP
3.2.2. Informal settlement upgrading	<ul style="list-style-type: none">• Identity and align into the pipeline all the informal settlements that have been identified and categorized in terms of UISP from the HDA (obtainable from the HDA)
3.2.3. Infrastructure development or planning	<ul style="list-style-type: none">• Full descriptions of the proposed infrastructure proposals (Bulk, link, size/Capacity and prelim/indicative costs)• Location of the projects in the context of the municipal planning;• Definition or description of the need or challenge being addressed

	<p>through the proposed infrastructure</p> <ul style="list-style-type: none"> Proposed implementation horizon (short annual project/medium term multiyear project or long term project (suitable for presidential infrastructure platform) Status and alignment of the proposed infrastructure project with the IDP and provincial planning Identification and ranking of different projects infrastructure priority in terms of other intervention type over the multiyear horizon;
3.2.4. Catalytic or mega projects	<ul style="list-style-type: none"> Identify and align into the pipeline all the catalytic or mega projects that have been identified and categorized in terms of the catalytic project programme (obtainable from the HDA)
3.2.5. Development planning	<ul style="list-style-type: none"> Identify projects that are ready for detail development planning and assistance required Purpose for which the development undertaking is sought (i.e. new human settlement project area, informal settlement upgrading project or any other relevant priority intervention Status and alignment of the proposed detail planning project with the IDP and provincial planning
3.2.6. Legacy assets (Old mine infrastructure)	<p>- Identify projects that exhibit the following conditions:</p> <ul style="list-style-type: none"> urgent distressed conditions (old mining communities) Assets evaluation (integration or disposal of identified assets) <p>-Identify and define the nature of the intervention that will be required to assist the municipality with the identified potential legacy assets</p>

4 METHODOLOGY AND WORK-PLAN

- In order to ensure coherence, this project shall be managed by a single entity.
- The project plan and methodology must clearly outline and define the process plan of executing the project.
- The service provider must outline the project plan, extent and the costs associated with the activities or tasks.
- The service provider shall provide a workable and practical work-plan for project implementation
- The Service Provider must also provide, as part of the Proposal Submission, a template of a Project Readiness Matrix or Checklist demonstrating the understanding of the task at hand.

5 REQUIRED EXPERTISE

The following skills and experience are required for this project:

- Knowledge development planning settlement planning and policy knowledge and expertise
- Development Planning Policy and expertise
- Understanding of mining and housing policy and standards

7. REPORTING AND CONSULTATIONS

The HDA will set-up an Oversight Committee consisting of key HDA staff for the project. The project will be managed by a Project Manager assigned to the project from within the HDA.

The successful service provider shall:

- Consult with the relevant stakeholders in a structured manner and avail record of consultation, especially with the mining companies and affected community in the area.
- Conduct presentations outlining and summarising the main components on each of the phases detailing the outcomes with relevant stakeholders. Some

consultations, feedback and reporting shall be conducted in the municipal area concerned. The frequency of the consultation shall be determined at project plan level

- Furnish the HDA with the final reports as follows:
 - ✓ Three copies of the printed report.
 - ✓ Three USBs with high resolution versions of the report in source document format as well as PDF.

7. OWNERSHIP AND PUBLICATION OF DELIVERABLES:

The HDA will become the owner of all data collected, reports, unique indicators tailored for use by the HDA, furnished and/or compiled by the service provider during the course of and for the purposes of executing the agreement to the extent that copyright in any intellectual property compiled by the service provider during the course of and for purposes of the agreement vests with the service provider. Such copyright will become the property of the HDA, unless otherwise agreed by the HDA in writing.

8. CONFIDENTIALITY

Information gathered, and data used by the service provider shall remain confidential.

9. DATA QUALITY

In accordance with the relevant standards and procedures for professional practice and contracted scope of work, the professional service provider will submit the work as outlined above and in format that is possible to calibrate and manipulate with other GIS related tools and CAD software (DWG/DXF/Shape Files). All the material data which affects the site shall be accurately measured and geo-referenced and projected in the appropriate survey system. No inferior, inaccurate or incompatible data will be accepted by the HDA. A clear interpretation and analysis of all the material issues pertaining to scope of works is required.

10. DURATION OF THE PROJECT

It is anticipated that the project will take a maximum of 5 (five) months to complete.

11. PRE-QUALIFICATION CONDITIONS WHICH AN APPLICANT MUST MEET IN ORDER TO BE CONSIDERED:

- Having a stipulated minimum B-BBEE 1-4 status level of contributor
- An EME QSE
- An EME or QSE which is at least 51% owned by black people and women in particular

12. EVALUATION PROCESS

- In order to facilitate a transparent selection process that allows equal opportunity to all production 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.
- 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

The following criteria will be used for point's allocation for price:

CRITERIA	SUB-CRITERIA	WEIGHTING/ POINTS
Company profile and individual team members (CVs)	<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. (5)</p> <ul style="list-style-type: none"> • Town planning Specialist company = 5 points • Any other company in the Built Environment or policy mine housing & standards = 3 points <p>Demonstrable skills, qualifications and capacity, relevant knowledge and experience of the Town Planner/Development Planner. Development Planner/Town Planner as follows: (10) Points</p> <ul style="list-style-type: none"> • 10 years' experience and above =10 points • 5 to 9 years' experience =8 points • 1 to 4 years' experience = 5 points 	15
Previous Experience Work	<p>Previous work in:</p> <ul style="list-style-type: none"> • Monitoring and review (results based management) (10) • Mining policy reviews (15) • Work in development planning (10) <ul style="list-style-type: none"> ○ Mining towns projects ○ Formalisations and or ○ Research experience/municipal planning 	35
Approach methodology and	<ul style="list-style-type: none"> • Work programme, plan and allocation of resources and tasks (10) Points; • Meeting deliverables and timeframes (5) Points • Proposed delivery methodology (25) Points 	50

	<ul style="list-style-type: none"> • Template of Project Readiness Matrix/Checklist demonstrating understanding of the task. (10) 	
Total		100

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

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

The HDA proposal will be evaluated as per PPPFA regulations.

14. **TERMS AND CONDITIONS**

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

15. **SUBMISSION OF PROPOSALS**

- Proposals should be submitted in a sealed envelope clearly marked **RFP/JHB/2020/008: Development of a Project Readiness Metrix** and deposited in a tender box on or before the **14 August 2020**, not later than **12H00** to the following address:

Attention: Procurement Specialist

Block A, Riviera Office Park

6-10 Riviera Road

Killarney, Johannesburg

- Further information regarding technical matters may be sent via email to: Ndumiso.Mkhwanazi@thehda.co.za or telephone 011 544 1000.
- Further information regarding supply chain matters and queries may be sent via email to Mxolisi.Zondo@thehda.co.za or telephone 011 544 1000.

Proposals must be accompanied by:

- A company profile
- CSD registration report (registration with the **National Treasury Central Supplier Database**. If not yet registered, please use the following link to register : <https://secure.csd.gov.za>.
- SBD Forms (SBD4, SBD6.1, SBD8 and SBD9) obtainable from the 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.
- Proposal/quotation.

Failure to submit all required documents will lead to disqualification of the application.

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

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:

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

Where

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

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

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

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

5. BID DECLARATION

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

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

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

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

7. SUB-CONTRACTING

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

(Tick applicable box)

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

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