



REQUEST FOR PROPOSALS

TERMS OF REFERENCE

APPOINTMENT OF A SOCIAL FACILITATION SERVICE PROVIDER TO MANAGE COMMUNITY, BENEFICIARIES AND TECHNICAL TEAMS WORKING ON THE ALEXANDRA EXTENSION 52 (HELEN JOSEPH) PROJECT LOCATED IN THE CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY AREA, GAUTENG PROVINCE FOR THE PERIOD OF 18 MONTHS ON THE DESIGN AND CONSTRUCTION OF INTERNAL WATER AND SEWER, ROADS AND STORMWATER RETICULATION, PARKING AND BIULDING PLATFORMS, 144 HIGHDENSITY UNITS.

RFP/JHB/2020/013

PROPOSAL TO BE SUBMITTED BY

NO LATER THAN

12H00 ON 23 OCTOBER 2020

1. INTRODUCTION

The Housing Development Agency (HDA) is a national public development agency established by an Act of Parliament (Act 23 of 2008). The HDA promotes sustainable integrated communities by making well-located land and buildings available for the development of housing and human settlements. The HDA also provides project delivery services in the form of planning, capacity support and capability, and programme and project management and works on projects in specific areas at the request of provinces and municipalities. As an organ of state, the HDA is accountable through its board to the Minister of Human Settlements. Visit www.thehda.co.za for more information.

The HDA has been appointed as an implementing agent through an Implementation Protocol (IP) concluded between the National Department of Human Settlements (NDHS), the Gauteng Provincial Department of Human Settlements (GPDHS), City of Johannesburg Metropolitan Municipality (CoJMM) and the Housing Development Agency (HDA) for design and construction of internal water and sewer, roads and storm-water reticulation, parking and building platforms for 144 high-density units at Alexandra Extension 52 (Helen Joseph).

As part of the work, the HDA seeks to procure the services a fully capacitated social facilitation service provider to manage the necessary liaison between the residents of Helen Joseph, broader community, the beneficiaries and the technical team and contractors appointed to attend to the intervention.

The Service Provider to be appointed will be expected to have the appropriate experience in the planning and management of the necessary liaison between the community, beneficiaries and the technical team with the help of Community Liaison Officer (CLO) to be appointed for the project.

2. OBJECTIVE OF THE PROJECT

Community engagements in relation to developments is central to the success of the project. The need to appoint a Social Facilitator is critical to ensure that the community as well as the beneficiary communities are informed about the project and that their concerns on the project are raised and addressed in a structured manner. Such consultation aids in ensuring stakeholder engagement comprising a series of interactions that are well planned and executed to systematically draw all affected stakeholders into working together.

In implementing the social programme, HDA intends to strengthen an approach that is based on community involvement. This community-based approach will endeavour to encourage community participation, thus ensuring that community members are able to not only influence activities that will affect them, but also build their capacity and contribute to their empowerment. Consequently, this will go a long way in ensuring sustainability of the project as well as encouraging responsibility and project ownership.

3. SCOPE OF WORK

The main objective of this social facilitation assignment is to;

- Inform, and regularly update, the community of the broader plan for the construction of 144 high-density units in Alexandra Extension 52 as per guidance by the technical team;
- Identify, organize and facilitate the sustained cooperation of, the key beneficiaries of the 144 high-density units in Alexandra Ext. 52;
- Promote participation, ownership and active involvement of stakeholders including beneficiary communities throughout the project life cycle;
- Mobilize communities in order to identify what they have and what they know that can be put to better use, and to make linkages and partnerships to expand the knowledge, skills and resources available to them.
- Undertake beneficiary management for the targeted residents to benefit from the 144 high-density units that are to be constructed in Alexandra Extension 52

The works to be undertaken shall include the following amongst others;

- Identify and consult all relevant stakeholders;
- Establish the Community Liaison Committee (CLC);
- Organize or attend public meetings as and when required;
- Undertake beneficiary administration and management for the targeted beneficiaries of the project;
- Provide secretariat services for all meetings held with the community structures and communities;
- Develop a local database of labour & SMME contractors in the area to be sub-contracted on the project;
- Attend the project steering committee meetings and give updates on community related issues;
- Raise community awareness about the project and conduct stakeholder mapping;
- Secure and ensure community support in all project aspects;
- Identify potential risks and recommend mitigating factors;
- Assist with resolving conflicts and problems between various stakeholders;
- Coordinate and Report all project related information to all stakeholders;

- Regular and appropriate reporting and communication to HDA and the City of Johannesburg at required intervals during the execution of project;
- Improve the integrity of reports to ensure that all reports are accurate and have a portfolio of evidence on social facilitation
- Provide Close-out reports

4. DELIVERABLES

- 4.1 **Inception report:** The report shall cover an overall project plan (inclusive of a project schedule) with intermediate and final outputs, proposed methodology and identified timeframes/milestones
- 4.2 **Stakeholder mapping report:** The report shall indicate all stakeholders that are relevant to the projects including their interests, influence, etc.
- 4.3 **Evidence of stakeholder consultation and community mobilization:** The minutes of all the meetings held with relevant stakeholders, including a summary of community mobilization meeting outcomes shall be provided. In addition, practical information with clear step-by-step guidelines for field facilitators (inclusive of community members) engaging with the community shall also be provided
- 4.4 **Evidence of community awareness raising:** Report on all community awareness raising activities shall be provided
- 4.5 **Evidence of Community Liaison Committee establishment:** The Terms of Reference for CLC shall be provided in a format to be agreed to with HDA
- 4.6 **CLC Members' Capacitation Report:** A report regarding the training of Project Steering Committee on their roles and responsibilities, procedural terms for meetings and conflict resolution shall be provided
- 4.7 **Beneficiary Administration & Management:** Complete subsidy application forms for identified beneficiaries identified by the City of Johannesburg and submit all applications for approval. Submit an approved beneficiary list to HDA for the targeted occupants of the 144 units to be constructed;
- 4.8 **Monthly and weekly Reports:** An overall Social Facilitation report shall be submitted to and accepted by HDA before the release of final payment;
- 4.9 Communication plan and;
- 4.10 Social Facilitation skills transfer plan.

5 REPORTING

- 5.1 It is envisaged that the HDA will require an initial meeting with the successful bidder to agree on the project process and options to be investigated;

- 5.2 Progress meeting feedback shall be held as and when necessary, but at least once a month. The venue for these meetings will be a selected venue either in Johannesburg (HDA offices) or City of Johannesburg Metropolitan Municipality offices or on-site;
- 5.3 Representatives from the successful service provider shall be obliged to attend;
- 5.4 The service provider shall work closely with, and report directly to an official to be assigned by HDA;
- 5.5 All resulting reports and data shall be delivered in two copies, namely, in electronic format and in hard copy. All draft and final reports shall be printed in full colour;
- 5.6 The reporting language shall be in English;
- 5.7 All documents and copyrights, including data and any associated databases developed during the social facilitation assignments will remain the intellectual property of HDA;
- 5.8 All drafts and final reports shall be submitted to HDA in full by the end of the project in soft and hard copy.

6. REQUIRED SKILLS & EXPERIENCE

The resource team should provide a multi-disciplinary service which has the skills, expertise and experience necessary to undertake the range of activities/tasks set out in this Terms of Reference.

Greater Alexandra Priority Human Settlements Development Area (PHSDA)		
Key Resource /Expert	Minimum Qualifications and Category of Professional Registration	Sub-Category of Service
Social Facilitator (Team Leader)	<p>Certified copies of certificates of the team leader and team members must be attached to the technical proposal reflecting proof of the below-mentioned qualification/s. Failure to attach the required certified copies will imply the bidder will forfeit the allocated points</p> <p>Team leader must have a Degree in Social Sciences (Social Work, Sociology), or Development Studies or Communication and proof of experience in conflict and dispute resolution</p>	Programme leadership, management and coordination, social facilitation and stakeholder engagement

Project team members (2 or more)	Team members must have a National Diploma in Social Sciences (Social Work, Sociology) or other relevant qualification with a minimum of 5 years work experience in similar community projects.	Beneficiary administration and management
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The proposers are required to submit fixed tender rates inclusive of all administrative overheads/costs and disbursements for the duration of the contract period. The successful teams will be paid on deliverables and the scope of work basis based on work assigned and appropriately executed.

7. COSTING

6.1. Service providers are requested to provide a quote which, as a minimum covers the functions listed under the scope of work and associated outputs/deliverables;

6.2. The total cost must be VAT inclusive and should be quoted in ZAR.

8. TIMEFRAMES

The total estimated duration of the contract is 18 (eighteen) months. A detailed project execution plan with budget, methodology, key deliverables and timeframes must be submitted for HDA consideration and approval.

9. EVALUATION PROCESS

The HDA needs to be satisfied, in all respects, that the organisation selected has the necessary resources, qualifications and abilities for this project, and that all submissions are regarded in a fair manner in terms of evaluation criteria and process. The general methodology of selection will be that proposals will first be evaluated on their technical ability to perform the task. **Any proposals scoring below 70% of the points noted in the table below will be disqualified for the second evaluation.** The second evaluation of technically competent proposals will be evaluated against Price and B-BBEE using an 80/20 Price/B-BBEE formula.

The evaluation of the bids will be conducted in three (3) stages, viz. administrative compliance, technical / functionality compliance and price and B-BBEE evaluation. In all cases should the documents submitted be certified then the certification must be original and not older than 3 months.

9.1 Pre-qualification (Stage 1)

The compulsory documents to be submitted with the tender are as listed below. Failure to submit any of the documents will result in the tenderer being disqualified and not considered for the next stage, i.e. Functionality.

- Valid and Original or Certified B-BBEE Status level 1 verification Certificate.

Failure to submit the above-mentioned document will lead to automatic disqualification

9.2 Functionality (Stage 2)

The bids will be evaluated on functionality compliance by allocating points in respect of functionality according to the criteria set out below. **Bidders who score more than 70 Points out of 100 points on technical functionality will be able to proceed to be evaluated in terms of the points for price and B-BBEE.**

Table 1 – Evaluation Criteria

CRITERIA	SUB-CRITERIA	WEIGHTING/ POINTS
Lead Company profile (Attach Organogram)	Relevant Company profile (s) to be submitted (in case of a joint Venture, all companies must submit separate relevant company profiles) indicating the Lead Company	10
Company Experience	Related work of the company and experience in executing social or grass root level development and mobilization process or social facilitation in the human settlements sector; Provide both appointment and reference letters for each project completed in social or grass root level development and mobilization process or social facilitation in the human settlements sector as follows: 0-projects = 0 points 1-project = 5 points 2-projects = 10 points 3-projects = 15 points 4-projects = 20 points 5 projects = 30 points	30

<p>CVs of team members proposed to do the work</p>	<p>Team Leader Experience (20) Points:</p> <p>Team leader must at least have a minimum of eight (8) years' experience of working in a multi-discipline environment (including local communities, political and administrative stakeholders) for the development of community based projects. community level local development projects). CVs of the team leader must be attached to the technical proposal reflecting proof of the above-mentioned experience and should list the relevant projects executed by the team leader:</p> <ul style="list-style-type: none"> • 5years' experience = 20 points • 4years' experience = 15 points • 3years' experience = 10 points • 2 years' experience = 5 points • 0 to 1 years' experience = 0 points <p>Team Member Experience (10) Points</p> <p>Individual team member must have a minimum of at least five (5) years' experience in working with local communities on community level local development projects. CVs of the team member must be attached to the technical proposal reflecting proof of the above-mentioned experience and should list the relevant projects executed by the team member:</p> <ul style="list-style-type: none"> • 5 years' experience =10points • 4 years' experience = 8 points • 3 years' experience = 6 points • 2 years' experience = 4 points• 0 to 1 years' experience = 0 points 	<p style="text-align: center;">30</p>
<p>Qualifications</p>	<p>Team Leader</p> <p>Team leader must have a Degree in Social Sciences (Social Work, Sociology, Socioeconomics, etc.) Development Studies or Communication (5) Points</p> <p>Team Member</p> <p>Team members must possess a National Diploma in Social Sciences (Social Work, Sociology, Socioeconomics, etc.) (5) Points</p>	<p style="text-align: center;">10</p>

Approach, Methodology, Work Plan and Process	<ul style="list-style-type: none"> - Proposed Methodology = 5 points - Clear work programme, plan, deliverables and timeframes = 10 points - Allocation of resources = 5 	20
TOTAL		100

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

Table 2 – Price and B-BBEE

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

10. PAYMENT STRUCTURE

10.1 HDA undertakes to pay in full within thirty (30) days, all valid claims for work done to its satisfaction upon presentation of a substantiated claim/invoice.

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

11. GENERAL

11.1. Below are compulsory requirements for this service

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

11.1.2. Kindly complete and submit the following:

- 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>.)
- Valid original tax clearance certificate.

- SBD Forms (SBD4, 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 Proposal on all work to be done.

11.2. Further information regarding supply chain matter and queries can be send via email to: mxolisi.zondo@thehda.co.za or Tel: 011 544 1000

12. SUBMISSION OF PROPOSALS

12.1. Proposals should be submitted on or before the 23 October 2020 by no later than 12h00 to the following address:

**The Procurement Officer
The Housing Development Agency
Block A, 6-10 Riviera Road,
Killarney,
2193,**

Tel: 011 544 1000

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 bid/proposal, and the HDA reserves the right not to appoint the service provider.

13. TERMS AND CONDITIONS

- 13.1 The 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.
- 13.2 No payment will be made where there is an outstanding information/work by the service provider/s.

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/ls 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 / Peral 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.

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 last 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.

WITNESSES
1.
2.

.....
SIGNATURE(S) OF BIDDERS(S)
DATE:
ADDRESS
.....
.....

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