



SBD1

**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (THE HOUSING DEVELOPMENT AGENCY (HDA))</b>					
BID NUMBER:	HDA/JHB/2021/017	CLOSING DATE:	24 NOVEMBER 2021	CLOSING TIME:	11H00
DESCRIPTION	APPOINTMENT OF DESIGNATED GROUPS PANEL OF CONTRACTORS FOR THE CONSTRUCTION OF INFRASTRUCTURE AND TOP STRUCTURE SERVICE TO ASSIST THE HOUSING DEVELOPMENT AGENCY WITH CONSTRUCTION WORK IN VARIOUS HUMAN SETTLEMENTS PROJECTS LOCATED WITHIN VARIOUS PROVINCES OF SOUTH AFRICA FOR A PERIOD OF THREE YEARS.				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>					

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

<b>THE HOUSING DEVELOPMENT AGENCY (HDA)</b>
<b>1 MAXWELL DRIVE</b>
<b>MEGAWATT PARK</b>
<b>SUNNINGHILL, 2070</b>

<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes	
	<input type="checkbox"/> No			<input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	<input type="checkbox"/>	A REGISTERED AUDITOR			
		NAME:			

**[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]**

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW ]
<b>SIGNATURE OF BIDDER</b> .....	<b>DATE</b>		
<b>CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)</b>			
<b>TOTAL NUMBER OF ITEMS OFFERED</b>		<b>TOTAL BID PRICE (ALL INCLUSIVE)</b>	
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
DEPARTMENT/ PUBLIC ENTITY	Supply Chain Management	CONTACT PERSON	
CONTACT PERSON	Pfarelo Netshisaulu	TELEPHONE NUMBER	
TELEPHONE NUMBER	011 544 1000	FACSIMILE NUMBER	None
FACSIMILE NUMBER	None	E-MAIL ADDRESS	
E-MAIL ADDRESS	Pfarelo.netshisaulu@thehda.co.za		

## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. THE BID BOX IS GENERALLY OPEN DURING OFFICE HOURS, MONDAY TO FRIDAY, FROM 08H00 TO 16H00.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE</p> <p>1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: ( BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</p> <p>1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</p> <p>1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.</p>
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER’S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>
<b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>
<p>3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p> <p>3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p> <p>3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p> <p>3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p> <p><b>IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</b></p>

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

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



---

**REQUEST FOR PROPOSALS**

---

**APPOINTMENT OF DESIGNATED GROUPS PANEL OF CONTRACTORS FOR THE CONSTRUCTION OF INFRASTRUCTURE AND TOP STRUCTURE SERVICE TO ASSIST THE HOUSING DEVELOPMENT AGENCY WITH CONSTRUCTION WORK IN VARIOUS HUMAN SETTLEMENTS PROJECTS LOCATED WITHIN VARIOUS PROVINCES OF SOUTH AFRICA FOR A PERIOD OF THREE YEARS**

**HDA/JHB/2021/017**

---

**PROPOSALS TO BE SUBMITTED BY**

**NOT LATER THAN**

**11H00 ON 24 NOVEMBER 2021**

## 1. INTRODUCTION

The Housing Development Agency (HDA) is a national public sector development agency that acquires and prepares land as well as develop the land and project manage the development of housing and human settlements. The HDA carries out its activities in partnership with a range of stakeholders including national, provincial, and local government and municipalities, as well as with communities, developers, financiers, and other interested parties. The Agency is established by an Act of Parliament, (HDA Act, Act No. 23 of 2008) and is accountable through its board to the Minister of Human Settlements.

### **The Objects of the Agency are to:**

- (a) Identify, acquire, hold, develop and release state, communal and privately owned land for residential and community purposes and for the creation of sustainable human settlements;
- (b) Project manage housing development services for the purposes of the creation of sustainable human settlements;
- (c) Ensure and monitor that there is centrally coordinated planning and budgeting of all infrastructure required for housing development; and
- (d) Monitor the provision of all Infrastructure required for housing development.

To execute the above objects and mandate in all human settlements' programmes, the HDA amongst others, performs the following key functions:

- Project conceptualisation, planning and design,
- Land acquisition, assembly, rezoning and approvals,
- Project packaging and capital raising,
- Project implementation and procurement inclusive of strategic IGR and private sector partnerships,
- Monitoring, evaluating, reporting, and accounting, and
- Property management

The Comprehensive Plan on Development of Sustainable Human Settlements (Breaking New Ground) addresses several wide-ranging measures to achieve delivery of sustainable human settlements. One of the objectives of the plan is to accelerate delivery of housing opportunities as a key strategy for poverty alleviation and to utilise the provision of human settlements as a major job creation strategy. As part of this plan and in the context of addressing inequality, poverty, and unemployment, the HDA has approved a transformation and empowerment policy to accelerate a more equitable and inclusive economy benefitting the historically marginalised individuals and enterprises.

The agency will through this policy ensure inclusive economic participation of designated groups **(women, youth, people with disabilities, and military veterans)** and will mobilize and coordinate the participation of B-BBEE contractors and developers in the rollout of major human settlements development programmes and projects that they are responsible for.

It is against this background that the HDA seeks to utilize services of suitably qualified and experienced panel of designated groups of contractors and developers for the roll out of its human settlements' infrastructure development programmes and projects countrywide.

## 2. SCOPE OF WORK

The scope of work for the appointed panel contractors (building, civil, electrical and built environment specialist trades) shall include, but not limited to the following:

- i. To undertake site preparations, planning, costs, and time frames;
- ii. To undertake construction of human settlements infrastructure development programmes and/or projects in accordance with prescribed technical specifications which will be specified from time to time as a need arises.
- iii. To undertake construction, project management and reporting to the HDA and other relevant stakeholders.
- iv. To undertake cleaning and removal of rubble from site after completion of the works.

The Panel will be categorised as follows (in consideration of CIDB grading status):

- I. Contractors (Civil)
- II. Contractors (Building)
- III. Contractors (Electrical)
- IV. Water supply and drainage for building (SO)
- V. Specialist Works in Housing Built Environment

The tenderers should indicate the class of works they would offer in the table below:

### CLASSIFICATION OF WORKS

Class of Works	Basic Work Types	Indicate Interest(X)
Civil Engineering	Water	
	Sewerage	
	Roads	
	Urban development	
	Municipal services	
Electrical Engineering (EB &EP)	General electrical	
	Transformers & substations	
	Standby generators	
	UPS's	
	Fire detection systems	
	Electrical reticulation	

	Switch Gears	
General Building Works (GB)	Carpentry	
	Plumbing	
	Building	
	Painting	
	Glazing	
	Tiling	
	Roofing	
Specialist Works (Civils and Mechanicals)	The extension, installation, repair, maintenance or renewal, or removal of asphalt	
	The development, extension, installation, removal and dismantling, as relevant, associated with building excavations, shaft sinking and lateral earth support	
	The development, extension, installation, repair, renewal, removal or alteration of corrosion protection systems (cathodic, anodic and electrolytic)	
	Demolition of buildings and engineering infrastructure and blasting	
	The development, extension, installation, renewal, removal, renovation, alteration or dismantling of fire prevention and protection infrastructure (drencher and sprinkler systems and fire installation)	
	The development, extension, installation, renewal, removal, renovation, alteration or dismantling of glazing, curtain walls and shop fronts	
	The development, extension, installation, maintenance, renewal, removal, alteration or dismantling, as relevant, of landscaping, irrigation and horticultural works	
	The development, installation, removal, or dismantling, as relevant, of piles and other specialised foundations for buildings and structures	
	The installation, renewal, removal, alteration or dismantling, as relevant, road markings and signage	
	The development, extension, installation, renewal, removal, renovation, alteration or dismantling of structural steelwork and scaffolding	
	Timber buildings & structures	
	The extension, installation, repair, maintenance, renewal, removal, renovation or alteration, as relevant, of the waterproofing of basements, roofs and walls using specialist systems	
	The development, extension, installation, renewal, removal, alteration, or dismantling or demolition of water installations and soil and wastewater drainage	

	associated with buildings (wet services and plumbing)	
	Airconditioning (HVAC) systems, Construction/Maintenance of Lifts and escalators and any related Mechanical works (Boosters Pumps with Tanks)	
	The development of fences (including, but not limited to; steel and precast concrete palisade fencing, wire netting fences supported on metal droppers and standards or metal posts and stays or steel sheet fences and precast	

The tenderers should indicate their geographic location in the table below:

**GEOGRAPHIC AREAS:**

Gauteng	
Limpopo	
North West	
KwaZulu Natal	
Free State	
Western Cape	
Northern Cape	
Mpumalanga	

**3. OUTPUTS/ DELIVERABLES**

**The outputs or deliverables for the contract may include the following (but not limited to):**

- i. Completed bulk, internal engineering infrastructure and/or housing units in line with set specifications
- ii. Submission of construction programme;
- iii. Approved completion of site preparation;
- iv. Submission of progress (i.e., foundation, wall plate, roof, painting, VIP toilets where necessary) report on a weekly basis;
- v. Approved completion of the construction of the allocated scope of work as per specifications;
- vi. Completion and submission of project administration, contract documentation and project close out report in accordance with the relevant standards and procedures for professional practice, and contracted scope of work.
- vii. Submission of copies of occupational certificates and relevant performance guarantees.
- viii. Promote designs and implementation approaches that promote job creation as per EPWP guidelines.

Ensure B-BBEE and local socio-economic development and empowerment at programme and project levels are achieved.



#### 4. TIME FRAMES

The total estimated term of the appointment onto the designated groups panel of contractors is three (3) years and is renewable annually to allow new entrants into the panel.

#### 5. REPORTING

- i. The methodology requires an interactive approach among all stakeholders i.e., NHBRC, National and Provincial Departments, Municipalities, HDA, Beneficiary communities, Developer, and Contractor to achieve the key outputs;
- ii. The contractor will undertake the assignment under the direct supervision of HDA officials;
- iii. The contractor will be required to submit standard weekly, monthly, quarterly, and annual reports on work undertaken and targets achieved;
- iv. The reports shall broadly cover the following as per the Instruction to Perform Work (IPW) issued, and construction programme broadly covers:
  - Foundations, Wall Plates, Roofs, Finishes;
  - Data relating to the occupancy status of each property;
  - Construction work undertaken;
  - Final cost in respect of property built and snags;
  - Number of labourers employed and/or trained from the designated groups (women, youth, people with disabilities, military veterans).

#### 6. REQUIRED SKILLS AND EXPERIENCE

The contractor and/or developer should among others be in possession of the following:

- i. Valid registration with NHBRC;
- ii. Valid Registration with **CIDB**: Minimum requirement of from **1GB/1CE/1EB/1EP/1SO up to 5GB/5CE/5EB/5EP** will be required (whichever is applicable to the category)
- iii. Valid Registration with CIDB: Minimum requirement for Mechanical Contractors to be registered under 1 ME/2ME/3ME/4ME/5ME and be registered with the following affiliations SEIFSA, SARACCA and SAIRAC;
- iv. Experience in Project Management and technical projects;
- v. Report writing skills;
- vi. Effectiveness and efficiency of proposed method and process plan as shown in the work plan and as to confirm responsiveness to delivery within tight time schedules of the assignment;
- vii. All contractors should after award furnish the HDA with proof of all risk insurance and original valid certificate of registration with COIDA;
- viii. Upon appointment and/or assignment of specific work package(s) as the needs arises, a contractor and/or developers would be required to furnish the HDA with a refundable Performance Guarantee (minimum of 5%) of the value of the project, from accredited financial institution. Such guarantee shall be submitted within 10 working days after receipt of the official appointment letter/assignment letter. The performance guarantee can only be refundable after 90 days of completion of the project;
- ix. Construction Manager with a minimum of 3 years National Diploma in any of the following fields – building, electrical, Architecture, Quantity Surveying, Civil Engineering;

- x. Health and Safety Officer with a minimum of 3 months Certificate in Health and Safety.

## 7. EVALUATION CRITERIA

### 7.1. PRE-QUALIFICATION CRITERIA FOR PREFERENTIAL PROCUREMENT

Failure to meet this pre-qualification criteria will automatically disqualify the bidder and not proceed to the stage of evaluation. The HDA will apply pre-qualifying criteria targeted to advance certain designated groups with conditions outlined in the PPPFA as outlined below. That only one or more of the following tenderers may respond: -

- a) a tenderer having a stipulated minimum **B-BBEE status level 1** of contributor;
- b) an EME or QSE;
- c) a tenderer subcontracting a minimum of 30% to-
  - (i) an EME or QSE which is at least 51% owned by black people;
  - (ii) an EME or QSE which is at least 51% owned by black people who are youth;
  - (iii) an EME or QSE which is at least 51% owned by black people who are women;
  - (iv) an EME or QSE which is at least 51% owned by black people with disabilities;
  - (v) an EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships;
  - (vi) a cooperative which is at least 51% owned by black people;
  - (vii) an EME or QSE which is at least 51% owned by black people who are military veterans;
  - (viii) an EME or QSE.

#### **Mandatory Requirements:**

- i. Valid registration with NHBRC;
- ii. Valid Registration with **CIDB**: Minimum requirement of from **1GB/1CE/1EB/1EP/1SO up to 5GB/5CE/5EB/5EP** will be required (whichever is applicable to the category)
- iii. Valid Registration with CIDB: Minimum requirement for Mechanical Contractors to be registered under 1 ME/2ME/3ME/4ME/5ME and be registered with the following affiliations SEIFSA, SARACCA and SAIRAC

In addition to the pre-qualifying criteria above and subject to the value of the tender the HDA will apply the “**subcontracting as condition of tender**” as stipulated in the PPPFA to advance designated groups.

**A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents will be deemed an unacceptable tender.**

### 7.2. TECHNICAL EVALUATION CRITERIA

The HDA needs to be satisfied, in all respects, that the organisation selected has the necessary resources, qualifications and abilities for the projects/programmes of this nature and magnitude, and that all submissions are regarded in a fair manner in terms of evaluation criteria and process.

**Table 1 – Evaluation Criteria on Functionality and Technical Abilities**

CRITERIA	SUB-CRITERIA	WEIGHTING/ POINTS
<b>Company profile (Attach Organogram)</b>	<p>Company profile(s) to be submitted (in case of a joint Venture, all companies must submit separate profiles) indicating the Lead Company demonstrating experience and technical ability in the relevant class of works.</p> <p><b>Please attach company profile(s)</b></p>	<b>10</b>
<b>Ownership (51% and above)</b>	<p>100% Black owned = 30 points                      75% and above Black owned = 25 points                      51% Black Owned = 20 points                      Below 51% Black owned = 0 points</p> <p><b>Please attach BBEE Certificate or Sworn affidavit</b></p>	<b>30</b>
<b>Related Work Experience</b>	<p>Bidders must attach both appointment letters and practical completion certificates as proof of related work experience</p> <p>4 projects and above = 20 points                      3-projects = 15 points                      2-projects = 10 points                      1-projects = 5 points                      0-projects = 0 points</p> <p><b>Please attach appointment letters or certificate of completion in the selected class of works</b></p>	<b>20</b>
<b>CVs of team members proposed for the panel</b>	<p><b>Principal Engineer (15) Points</b>                      Principal Engineer: Professional Engineer (Pr Eng.) or Professional Engineering Technologists (Pr Tech Eng.) in civil or structural engineering who is qualified and registered with ECSA and have PR number:</p> <p>3 years' experience and above = 15 points                      2 years' experience = 10 points                      1 Years' experience = 5 points</p> <p><b>Please attach valid professional registration certificate as proof</b></p>	<b>30</b>
	<p><b>Contracts Manager (5) Points</b>                      Contracts Manager with National Diploma/BSc/B-Tech/ in Building Science / Construction Management/ Architect / Quantity Surveying / Civil</p>	

CRITERIA	SUB-CRITERIA	WEIGHTING/ POINTS																		
	<p>Engineering as well as Professional registration with SACPCMP / SACAP / SACQS / ECSA</p> <p>5 Years relevant experience = 5 points 3 Year relevant experience = 3 points 2 Year relevant experience = 2 points</p> <p><b>Please attach valid professional registration certificate as proof</b></p>																			
	<p><b>Site Agent (5) Points</b></p> <p>Site Agent / foreman with National Diploma/BSc/B-Tech/ in Building Science / Construction Management/ Architect / Quantity Surveying / Civil Engineering as well as Professional registration with SACPCMP / SACAP / SACQS / ECSA</p> <p>5 Years relevant experience = 5 points 3 Year relevant experience = 3 points 2 Year relevant experience = 2 points</p> <p><b>Please attach valid professional registration certificate as proof</b></p>																			
	<p><b>OHS Officer (5) Points</b></p> <p>5 Years relevant experience = 5 points 3 Year relevant experience = 3 points 2 Year relevant experience = 2 points</p> <p><b>Please attach valid professional registration certificate as proof</b></p>																			
<b>Availability of Plant</b>	<p>Availability of Plant – Ownership or option to lease</p> <table border="1"> <thead> <tr> <th>Equipment</th> <th>Owned</th> <th>Hired</th> </tr> </thead> <tbody> <tr> <td>TLB</td> <td>2 Points</td> <td>1 Points</td> </tr> <tr> <td>Excavator</td> <td>2 Points</td> <td>1 Points</td> </tr> <tr> <td>Tipper Truck</td> <td>2 Points</td> <td>1 Points</td> </tr> <tr> <td>Roller</td> <td>2 Points</td> <td>1 Points</td> </tr> <tr> <td>Grader</td> <td>2 Points</td> <td>1 Points</td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>Copies of vehicle registration certificates must be attached.</li> <li>Proof of intention to lease or hire agreement.</li> </ul>	Equipment	Owned	Hired	TLB	2 Points	1 Points	Excavator	2 Points	1 Points	Tipper Truck	2 Points	1 Points	Roller	2 Points	1 Points	Grader	2 Points	1 Points	<b>10</b>
Equipment	Owned	Hired																		
TLB	2 Points	1 Points																		
Excavator	2 Points	1 Points																		
Tipper Truck	2 Points	1 Points																		
Roller	2 Points	1 Points																		
Grader	2 Points	1 Points																		
<b>TOTAL</b>		<b>100</b>																		

A Bidder who scores less than 70% on the total functionality points, that is, less than 70 points will automatically be disqualified.

At the point of advertising tenders, proposals will be evaluated on price and B-BBEE and points will be awarded accordingly.

## 8. BRIEFING SESSION

**There will be no briefing session for this tender.**

## **9. 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 any outstanding information/work by the service provider/s.

## **10. GENERAL**

### **10.1 Below are compulsory requirements for this service**

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

10.3. Kindly complete and submit the following:

- Valid original tax clearance certificate.
- **Valid and Original or Certified B-BBEE Status Level Verification Certificates issued by the following agencies SANAS, IRBA or CCA or the affidavit.**
- Registration with **CIDB**: Minimum requirement of **1** will be required
- Registration with **NHBRC**: (Proof of registration must be provided)

10.4 **Further information regarding supply chain matters and queries can be send via email to: [Pfarelo.Netshisaulu@thehda.co.za](mailto:Pfarelo.Netshisaulu@thehda.co.za) or Tel: 011 544 1000**

## **11. SUBMISSION OF PROPOSALS**

11.1. Proposal should be submitted in a sealed envelope clearly marked "Proposals: Appointment of pre-approved designated groups panel of contractors for construction of infrastructure and top structure service to assist the Housing Development Agency with construction work of various human settlements projects located within various provinces of South Africa for a period of 3 years: **HDA/JHB/2021/017** and deposited in a tender box on or before the **Wednesday 24 November 2021**, not later than **11H00** to the following address:

**The Supply Chain Management  
The Housing Development Agency,  
1 Maxwell Drive  
Megawatt Park  
Sunninghill  
2070**

11.2. 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.

## 12.1 CONTRACTOR'S HEALTH AND SAFETY DECLARATION

In terms of Clause 4(4) of the OHS Act 1993 Construction Regulations 2003 (referred to as "the Regulations" hereafter), a Contractor may only be appointed to perform construction work if the Employer is satisfied that the Contractor has the necessary competencies and resources to carry out the work safely in accordance with the Occupational Health and Safety Act No 85 of 1993 and the OHS Act 1993 Construction Regulations 2003.

To that effect a person duly authorised by the tenderer must complete and sign the declaration hereafter in detail.

### Declaration by Tenderer

1. I the undersigned hereby declare and confirm that I am fully conversant with the Occupational Health and Safety Act No 85 of 1993 (as amended by the Occupational Health and Safety Amendment Act No 181 of 1993), and the OHS Act 1993 Construction Regulations 2003.

2. I hereby declare that my company has the competence and the necessary resources to safely carry out the construction work under this contract in compliance with the Construction Regulations and the Employer's Health and Safety Specifications.

3. I propose to achieve compliance with the Regulations by one of the following:

(a) From my own competent resources as detailed in 4(a) hereafters: .....

**\*Yes / No**

(b) From my own resources still to be appointed or trained until competency is achieved, as detailed in 4(b) hereafters: .....

**\*Yes / No**

(c) From outside sources by appointment of competent specialist subcontractors as detailed in 4(c) hereafters: .....

**\*Yes / No**

(\* = delete whatever is not applicable)

4. Details of resources I propose:

*(Note: Competent resources shall include safety personnel such as a construction supervisor and construction safety officer as defined in Regulation 6, and competent persons as defined in Regulations 7, 8, 10, 11, 12, 14, 15, 18, 21(1), 22, 26 and 27, as applicable to this contract)*

(a) Details of the competent and qualified key persons from my company's own resources, who will form part of the contract team:

NAMES OF COMPETENT PERSONS	POSITIONS TO BE FILLED BY COMPETENT PERSONS

**SCHEDULE OF KEY PERSONNEL**

In terms of the Project Specification and the Conditions of Tender, unskilled workers may only be brought in from outside the local community if such personnel are not available locally.

The Tenderer shall list below the personnel which he intends to utilize on the Works, including key personnel which may have to be brought in from outside if not available locally.

Category of Employee	Number of Persons					
	Key Personnel, Part of the Contractor's Organisation		Key Personnel to be imported if not available locally		Unskilled Personnel to be recruited from local community	
Site Agent, Project Managers						
Foremen, Quality Control and Safety Personnel						
Technicians, Surveyors, etc						
Artisans and other Skilled workers						
Plant Operators						
Unskilled Workers						
Others:						
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....

NB: Attach a separate sheet if above is insufficient

SIGNATURE: .....  
 (of person authorised to sign on behalf of the Tenderer)

DATE: .....

**12.3 CURRICULUM VITAE FORMAT OF KEY PERSONNEL**

Name:	Date of birth:
Profession:	Nationality:
Qualifications:	
Professional Registration Number:	
Name of Employer (firm):	

<b>Current position:</b>	<b>Years with firm:</b>
<b><u>Employment Record:</u></b>	
<b><u>Experience Record Pertinent to Required service:</u></b>	

**Certification:**

I, the undersigned, certify that, to the best of my knowledge and belief, this data correctly describes me, my qualifications, and my experience.

.....  
*Signature of person named in the schedule*

.....  
*Date*

**13 SCHEDULE OF PLANT AND EQUIPMENT**



The following are lists of major items of relevant tools and equipment that I/we presently own or lease and will have available for this contract or will acquire or hire for this contract if my/our tender is accepted.

(a) Details of major plant and equipment that is *owned* and immediately available for this contract.

Quantity	Description, size, capacity, etc.

Attach additional pages if more space is required.

(b) Details of major equipment that will be *hired* or acquired for this contract if my/our tender is acceptable.

Quantity	Description, size, capacity, etc.

Attach additional pages if more space is required.

Signed

Date

Name

Position

Tenderer

-----

-----

-----

-----

**1.1. SCHEDULE C: DECLARATION OF INTEREST**

1. Any legal person, including persons employed by the state\*, 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 and/or take an oath declaring his/her interest, 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, shareholder etc.): .....
- 2.4. Company Registration Number: .....
- 2.5. Tax Reference Number: .....
- 2.6. VAT Registration Number: .....

---

\* "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.

2.7 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 / shareholder/ member: .....

Name of state institution to which the person is connected: .....

Position occupied in the state institution: .....

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

2.8 Did you or your spouse, or any of the company's directors/ 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 the 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 /shareholders/ members of the **YES / NO**

company have any interest in any other related companies whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:

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

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

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

**4. DECLARATION**

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2.1 TO 2.11.1 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY 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

**1.2. SCHEDULE D: 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
<b>PRICE</b>	
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

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

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

## 2. DEFINITIONS

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

## 3. POINTS AWARDED FOR PRICE

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

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

**80/20**                                  **or**                                  **90/10**

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

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

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

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

accordance with the table below:

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

**5. BID DECLARATION**

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

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

6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 10 or 20 points)  
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**7. SUB-CONTRACTING**

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

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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

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 last 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		
<b>OR</b>		
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	.....
	.....
	.....

1.3. SCHEDULE E: CONTRACT FORM – RENDERING OF SERVICES

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

- 1. I hereby undertake to render services described in the attached bidding documents to the Housing Development Agency in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number: RFP/FS/2021/005, at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
- 2. The following documents shall be deemed to form and be read and construed as part of this agreement:
  - (i) Bidding documents, viz
    - Invitation to bid;
    - Tax clearance certificate;
    - Pricing schedule(s);
    - Filled in task directive/proposal;
    - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
    - Declaration of interest;
    - Declaration of bidder’s past SCM practices;
    - Certificate of Independent Bid Determination;
    - Special Conditions of Contract;
  - (ii) General Conditions of Contract; and
  - (iii) Other (specify)
- 3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
- 4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.
- 5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) \_\_\_\_\_

CAPACITY \_\_\_\_\_

SIGNATURE \_\_\_\_\_

NAME OF FIRM \_\_\_\_\_

DATE \_\_\_\_\_

WITNESSES	
1	.....
2	.....
DATE: .....	

**PART 2 (TO BE FILLED IN BY THE HDA**

1. I, \_\_\_\_\_ in my capacity as \_\_\_\_\_ accepts your bid under Bid No.: RFP/NW/2021/006, received on the \_\_\_\_\_, for the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)
Appointment of a service provider for procurement of professional service providers for the upgrading of informal settlements in the City of Matlosana Local Municipality situated within the North West Province			

4. I confirm that I am duly authorized to sign this contract.

Signed at the HDA Offices on \_\_\_\_\_

NAME (PRINT) : \_\_\_\_\_

SIGNATURE : \_\_\_\_\_

DATE : \_\_\_\_\_

OFFICIAL STAMP

WITNESSES

1 .....

2 .....

DATE: .....

#### 4.6. SCHEDULE F: 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><b>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.</b></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><b>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.</b></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"/>
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**

Js365bW

**4.7. SCHEDULE G: CERTIFICATE OF INDEPENDENT BID DETERMINATION**

1. This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> 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)<sup>2</sup>. 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:

---

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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<sup>3</sup> will not be construed as collusive bidding.

---

<sup>3</sup> 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**