

P.O. Box 3209,  
Houghton, 3209  
South Africa  
2041



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## **REQUEST FOR PROPOSALS**

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**PROVISION OF CLEANING SERVICES AT HOUSING DEVELOPMENT AGENCY  
FOR THE PERIOD OF THREE YEARS,  
10 Oliver Road, Montrio office Park, Block 3 – 1<sup>st</sup> floor, Monument  
Heights, Kimberley, 8301  
NORTHERN CAPE  
RFP/NC/2021/005**

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**PROPOSALS TO BE SUBMITTED BY**

**NOT LATER THAN**

**FRIDAY, 11H00**

**10 DECEMBER 2021**

## TERMS OF REFERENCE

### **Provision of Cleaning Services at the Housing Development Agency, 10 Oliver Road, Montrio Office Park, Block 3 – 1st floor, Monument Heights, Kimberley, Northern Cape**

#### **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 communities by making well-located land and buildings available for the development of housing and human settlements. As an organ of state, the HDA is accountable through its board to the Minister of Human Settlements. Visit [www.thehda.co.za](http://www.thehda.co.za) for more information.

#### **2. BACKGROUND**

HDA seeks to appoint an experienced and reputable service provider to provide a cleaning service for a period of three **(3) years**, at the below address:

##### **Physical Location**

10 Oliver Road

Montrio Office Park

Block 3 – 1<sup>st</sup> floor

Monument Heights

Kimberley, 8301

#### **3. SCOPE OF SERVICES**

3.1. The scope of service for this quotation that the appointed service provider must adhere to is as follows:

3.1.1. To provide office cleaning services at the HDA premises situated at 10 Oliver Road, Montrio office Park, Block 3 – 1<sup>st</sup> floor, Monument Heights, Kimberley, 8301 within the Sol Plaatjie Local Municipality in Northern Cape.

3.1.2. Provide the Northern Cape HDA office with **one (1) cleaner** for a period of three (3) years, as per the following:

- Monday to Friday (excluding public holidays).
- To start at 07h30 and to finish 16h00.

3.1.3. Perform cleaning services by vacuuming, sweeping, dusting, furniture wiping, polishing, scrubbing, wall wiping, damp mopping and carpet washing for closed and open offices, board/meeting rooms, kitchens, reception/waiting areas, bathrooms and storerooms. The service provider is expected to dust light fittings, ceiling and air conditioning defuses/vents and do window washing monthly on the inside and outside, and carpet washing every three months, and other requirements related to the services as may be stipulated at ad hoc.

3.1.4. Assist the HDA with the following, but not limited to:

Services required	Daily	Weekly	Monthly
Keep offices clean	x		
Keep entrance areas and the patio clean.	x		
Wash cups, glasses, plates, cutlery	xx		
Clean inside kitchen cupboards and dustbin cupboards		x	
Clean fridge		x	
Dust all furniture, windowsills and equipment	x		
Dustbins must be emptied and cleaned	x		
Vacuum office carpets and open space		x	
Clean windows inside and outside			x
Clean main entrance foyer windows inside out			x
Setup meeting rooms	xx		
Clean toilets and replenish toilet paper, hand towel dispenser, soap dispenser and seat wipes dispenser.	x		
Replenish consumables (toilet paper, hand towel, soap and seat wipes) dispensers 3x times a day (07:45am, 11:30am and 2:00pm)	xxx		

3.1.5. Supply and installation of hygiene equipment including replenishment of consumables, and maintenance and care thereof equipment:

- 2 x soap dispensers including refills 10 per month

- 3 x hand towel dispensers including reflex rolled towels (3x 6s 2 ply) monthly.
- 4 x seat wipes dispensers including 12x refills per month
- 2 x wall mounted wastepaper bins including bin liners (monthly).
- 2 x SHE bins (ladies' toilets) including bin liners monthly.
- 4 x Toilet paper dispensers including toilet rolls (3x 12s 2 ply) monthly.

3.1.6. The HDA is expecting the service provider to have the following cleaning equipment to enable seamless service provision and maintain such at its own cost:

- Industrial vacuum cleaner
- 2 x Mops (to be replenished every three months and or as and when required)
- Bucket trolley
- Window Squeegee (to be replenished every three months and or as and when required)
- Soft broom (to be replenished every three months and or as and when required)
- 4 x toilet brushes (to be replenished every three months and or as and when required)
- Feather duster (to be replenished every three months and or as and when required)

### **3.2. Total Area of Service**

The total area of floor space to be cleaned is 370m<sup>2</sup> and includes:

- 5 Offices
- Open plan spaces
- 7x Workstations, Printing room and storerooms
- 1x Reception area
- 2x boardrooms
- 1x kitchen
- Blinds
- Windows

**NB: all offices are tiled with carpets**

## **4. EXPECTED DELIVERABLES**

4.1. The service provider shall,

- 4.1.1. Be fully responsible for all work and services performed by its personnel
- 4.1.2. be expected to provide and maintain a clean, healthy and hygienic working environment
- 4.1.3. ensure that additional resources/capacity, therefore extra cleaner/s is made available to augment employee absenteeism caused by any form of leave

- 4.1.4. ensure its supervisor report daily to the HDA's facilities coordinator of any defect in and to area concerned e.g., broken mirrors in the toilets, blocked toilets, broken cupboards etc...
- 4.1.5. provide and execute everything necessary for the services in accordance with industry standards and norms in terms of the prevailing sectorial determination, and industry acceptable training levels, and any other relevant regulations, including, but not necessarily limited to: -
- The provision of all service provider's equipment, qualified, competent, and well-trained personnel and supervision thereof, required for the servicing of the building.
  - Ensuring that its personnel is neatly clothed in uniforms (with the company logo) with necessary protective equipment which shall include but not limited to headgear, shoes and hand gloves.
  - Provision of a roster indicating the staff activities every day to ensure the smooth operation of the cleaning activities.
  - Provide an attendance register for the cleaning personnel.
  - Ensuring that all areas of the building and furniture inside and outside the building are always kept clean.

## **5. ACCESS TO PREMISES**

Cleaning personnel will be issued with access cards/biometric system.

## **6. INDEMNITY**

The service provider shall indemnify Housing Development Agency against any claim for compensation in terms of Workmen's Compensation legislation for any loss which the service provider is liable; and

Any claim by any employee of the service provider for any loss or damage resulting from any bodily injury and/or damage to property caused by cleaning personnel.

## **7. EVALUATION PROCESS**

- 7.1. **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 1-4 verification Certificate.

- In a case of Joint Ventures or Consortium, submit consolidated Valid and Original or Certified B-BBEE Status Level Verification Certificate

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

**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.**

7.2. Bids will be evaluated on the 80/20 points system as outlined in the PPPFA of 2011.

**Stage 2:** Bidders will be evaluated based on functionality. The minimum threshold for the functionality of 70 of 100 points. Bidders who fail to meet minimum threshold will be disqualified and will not be evaluated further for price and BBEE points

CRITERIA	WEIGHT
<b>A. Company experience</b>	
1. Service provider must have a minimum of three (3) years operational experience in rendering cleaning and hygiene services. Attach company profile <b>(10 points)</b> . 2. The experience must be supported by written and signed, not older than 5 years, reference letters on the Referees' letterhead <b>(20 Points)</b> . <ul style="list-style-type: none"> <li>• 1 or 2 reference letters = 5 points</li> <li>• 3 or 4 reference letters = 10 points</li> <li>• 5 or more reference letters = 20 points</li> </ul>	30
<b>B. Competent staff</b>	
1. Team leader should have two (2) years office cleaning supervisory experience. (CV with relevant experience to be attached). <b>(10 points)</b> . 2. Team leader should have a minimum of grade 10 (provide proof of qualification). <b>(10 points)</b> . 3. Samples of the employment contract and previous payslips (3x payslips). <b>(10 points)</b>	30
<b>C. Equipment and consumables</b>	



1. Service provider should provide list of cleaning and hygiene equipment to be utilise during service provision. <b>(10 points)</b>	15
2. Sample of cleaning consumables that are SABS approved to be attached in a pictures format. <b>(5 points)</b>	
<b>D. Methodology and Project Plan</b>	
1. Detailed project plan indicating daily duties with time frames, daily, weekly, monthly and quarterly duties and order of preferences. <b>(15 points).</b>	25
2. Detailed health and safety plan indicating the OHSA compliance in office environment. <b>(10 points).</b>	
<b>Total</b>	<b>100</b>

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

**Phase 2:** Those that qualify will be assessed using the 80:20 formula for Price and B-BBEE as per the PPPFA.

**Table 1 – Price and B-BBEE**

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

## 8. GENERAL

**Below are compulsory requirements for this service.**

- 8.1. It is important to note that the successful person will work under the supervision of a HDA representative, abide by HDA's Code of Conduct, and other organizational guidelines.
- 8.2. Kindly complete and submit the following:
- CSD Report
  - SBD Forms (SBD4, SBD8 and SBD9) obtainable from HDA Website: [www.thehda.co.za/procurement](http://www.thehda.co.za/procurement). Under the compliance checklist.

- Valid and original or certified B-BBEE Status Level Verification Certificates issued by SANAS, IRBA or CCA.
- 8.3. Further information regarding this tender can be sent via email to: [jennifer.monareng@thehda.co.za](mailto:jennifer.monareng@thehda.co.za) or at Tel: 011 544 1000
- 8.4. All quotations/price proposals must be valid for the duration of the service.
- 8.5. The premises can be viewed from **09H00-15H00** at The Housing Development Agency, 10 Oliver Road, Montrie office Park, Block 3 – 1<sup>st</sup> floor, Monument Heights, Kimberley, 8301. The contact person is **Paskalina Matete (053) 830 9516/31** , [Paskalina.matete@thhda.co.za](mailto:Paskalina.matete@thhda.co.za) for arranging viewing of the property. The viewing to be done only during working hours.
- 8.6. Service Providers must be a registered with Compensation for Occupational Injuries and Diseases (COID), proof of which must be supplied.
- 8.7. Service Provider must comply with the Occupational Health & Safety Act No 85 of 1983 and Disaster Management regulations and practices.
- 8.8. All electrically operated equipment supplies, and materials should have been approved and /or registered with the South African Bureau Standards.

## 9. TERMS AND CONDITIONS

- 9.1. 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.
- 9.2. No payment will be made where there is an outstanding information/work by the service provider/s.

## 10. SUBMISSION OF PROPOSAL

- 10.1. Proposals should be submitted on or before the **10<sup>th</sup> December 2021 Friday** by no later than **11h00** to the following address:

**The Procurement Officer**  
**The Housing Development Agency**  
**1 Maxwell Drive,**  
**Megawatt Park, Sunninghill**  
**Gauteng, 2157**

- 10.2. 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.



## DECLARATION OF INTEREST

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

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

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

2.1 Full Name of bidder or his or her representative: .....

2.2 Identity Number: .....

2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....

2.4 Company Registration Number: .....

2.5 Tax Reference Number: .....

2.6 VAT Registration Number: .....

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

<sup>1</sup>"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.

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

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

2.7.1 If so, furnish the following particulars:

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

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

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

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

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

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

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

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

2.8.1 If so, furnish particulars:

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

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

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**YES/NO**

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**YES/NO**

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[illegible]

**4 DECLARATION**

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

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

May 2011

## PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

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, 2011.**

### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to exceed R1 000 000 (all applicable taxes included) and therefore the 90/10 system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this bid are allocated as follows:

#### POINTS

1.3.1.1 **PRICE** .....90.....

1.3.1.2 **B-BBEE STATUS LEVEL OF CONTRIBUTION** .....10.....

**Total points for Price and B-BBEE must not exceed 100**

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5 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

- 2.1 **"all applicable taxes"** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 **"B-BBEE status level of contributor"** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 **"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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **"comparative price"** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **"consortium or joint venture"** 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;
- 2.8 **"contract"** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **"EME"** means any enterprise with an annual total revenue of R5 million or less .
- 2.10 **"Firm price"** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **"functionality"** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **"non-firm prices"** means all prices other than "firm" prices;
- 2.13 **"person"** includes a juristic person;
- 2.14 **"rand value"** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **"sub-contract"** means the primary contractor's assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 **"total revenue"** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 **"trust"** means the arrangement through which the property of one person is made over or



bequeathed to a trustee to administer such property for the benefit of another person; and

- 2.18 “trustee” means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

### 3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

### 4. POINTS AWARDED FOR PRICE

#### 4.1 THE 90/10 PREFERENCE POINT SYSTEMS

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

#### 90/10

$$Ps = 90 \left( 1 - \frac{Pt - P_{\min}}{P_{\min}} \right)$$

Where

- Ps = Points scored for comparative price of bid under consideration
- Pt = Comparative price of bid under consideration
- Pmin = Comparative price of lowest acceptable bid

### 5. Points awarded for B-BBEE Status Level of Contribution

- 5.1 In terms of Regulation 5 (2) and 6 (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>B-BBEE Status Level of Contributor</b>	<b>Number of points (90/10 system)</b>
1	10
2	9
3	8
4	5
5	4
6	3
7	2
8	1
Non-compliant contributor	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

## 6. BID DECLARATION

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

**7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1**

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

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

**8 SUB-CONTRACTING**

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 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? YES / NO (delete which is not applicable)

**9 DECLARATION WITH REGARD TO COMPANY/FIRM**

9.1 Name of company/firm ..... :

9.2 VAT registration number : .....

9.3 Company registration number .....  
:

9.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business? .....

9.8 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 contribution indicated in paragraph 7 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 paragraph 7, 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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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. ....

SIGNATURE(S) OF BIDDER(S)

2. ....

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	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? <b>(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).</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.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	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)? <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>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	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?	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:		

**SBD 8**

### **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



**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

## **SBD 9**

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.
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.

<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.

## **SBD 9**

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

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