



**APPLICATION FORM TO REGISTER ON THE
SUPPLIER DATABASE OF HOUSING DEVELOPMENT
AGENCY.**

TO ALL SUPPLIERS SEEKING REGISTRATION AS PREFERRED SUPPLIER OF GOODS AND SERVICES ON THE PROCUREMENT DATABASE

All suppliers are herewith invited to register as preferred supplier on the database of Housing Development Agency (HDA).

In order to comply with the procedures set out in the Accounting Officers Procurement Procedures (AOPP), as referred to in the Public Finance Management Act, 1999 (Act 1 of 1999) (PFMA) and the National Treasury Regulations, HDA Supply Chain Management Department developed a supplier database to be used by the department in managing the procurement of various goods and services as required by the organisation from time to time.

The purpose of this database is to give all prospective suppliers an equal opportunity to submit future quotations to HDA.

It is envisaged however, that this database will contribute to efficient administration and compliance with the PFMA.

Attached please find an official application form to assist in registration of your company on our supplier database. **It is imperative that suppliers read the application document carefully, complete it in full and sign it. Also take note of the important notes on page 3 of this information pack.**

| |
|---|
| IMPORTANT NOTES: PLEASE READ CAREFULLY |
|---|

- To be completed by **potential Vendors/Suppliers/Service Providers** seeking registration as preferred service provider;
- The application must be completed in **full, be signed and commissioned by** commissioner of oath;
- A **company profile** must accompany the registration form but will **not be accepted** as substitute
- for the application form – all fields on application form **MUST** be completed by applicant;
- Vendors/Suppliers/Service providers will only **be notified** whether application was accepted or not upon request;
- Prospective service provider must provide all the information required - **failure** to do so will result in the application being rejected.
- **For any queries please contact Mr. Jerry Makofane or Ms. Jane Mahlangu on 011 544 1000 or email: procurement@thehda.co.za**

Please attach the following documentation and/or information:

1. Valid original Tax Clearance Certificate
2. Certified Copy of Registration Certificate (CC or Pty Ltd), Articles of Association and Memorandum of Agreement
3. Company PROFILE
4. An overall organization structure of your group of companies depicting all sub-divisions
5. A copy of the last three audited financial statements where applicable
6. Copies of SABS or any other rating or accreditation certificates where applicable.
7. Certified Identity Documents of Owners, Shareholders, Trustees and Directors.
8. B-BBEE Status Level Verification Certificates issued by the following agencies:

8.1. Service Providers other than EMEs:

- Verification agencies accredited by SANAS
- Registered auditors approved by IRBA

8.2. Service Providers who qualify as EMEs:

- Accounting officers as contemplated in the CCA
- Verification agencies accredited by SANAS

9. Supplier Registration can be delivered to the following address:

**Block A, Riviera Office Park or P.O. Box 3209, Houghton
6-10 Riviera Road South Africa, 2041
Killarney, Johannesburg**

1. SUPPLIER DETAILSRegistered Name of the company:
.....Trading name of the company:
.....Company/ Close Corporation
Registration Number:
.....VAT Registration Number:
.....Income Tax Reference Number:
.....Telephone Number:
.....Fax Number:
.....
...Name of Contact Person:
.....Contact numbers Cell:
.....**Business Physical Address:**
.....
.....
.....
.....**Postal Address:**
.....
.....
.....
.....

Web Address:

E-mail Address:

TYPE OF FIRM (Please the relevant box or boxes)

- Public Company (Ltd)**
- Private Company (Pty) Ltd**
- Closed Corporation (CC)**
- Sole Proprietor**
- Partnership**
- Trust**
- Section 21 Company**
- Government/ Parastatals**
- Joint Venture**
- Consortium**

| | | | | | |
|--|--|------------|----------------|--|--|
| | | | | | |
| BUSINESS REFERENCES FOR PREVIOUS PROJECTS IN THE LAST THREE (3) YEARS | | | | | |
| Company/ Institution Name | | | | | |
| Address | | | | | |
| Contact Person | | Telephone: | | | |
| Value of contract | | R | Date: | | |
| Description of Work | | | | | |
| | | | | | |
| Company/ Institution Name | | | | | |
| Address | | | | | |
| Contact Person | | Telephone: | | | |
| Value of contract | | R | Date: | | |
| Description of Work | | | | | |
| | | | | | |
| GENERAL | | | | | |
| 1. Did the firm exist under a previous name? | | YES/ NO | | | |
| If YES, what was its previous name? | | | | | |
| | | | | | |
| 2. Does your company or any of its employees have a vested interest in HDA , If so, state the details of such vested interest. | | | | | |
| | | | | | |
| 3. Indicate as to whether any of the Partners, Proprietors & Shareholders is in the service of HDA or has been in the service of HDAs in the previous twelve months; | | | | | |
| | | | | | |
| 4. At what % of full capacity are you operating? | | | | | |
| | | | | | |
| 5. What was your average turnover (excluding VAT) during the previous three financial years? | | | | | |
| | | | | | |
| 6. Have you previously been on an approved supplier list with HDA ? (If yes, give details, i.e. when and for what) | | | | | |
| | | | | | |
| 7. Are warranties offered on new items / repairs etc? (If yes, state particulars) | | | | | |
| | | | | | |
| 8. Does your company have overdraft facility and when was it last adjusted? | | | | | |
| R | | | | | |
| Last Adjusted date: | | | Used: R | | |

Valid Banking Details

Bank Account Name: _____

Name of Bank: _____

Branch Code & Name: _____

Account Number: _____

Type of Account: Cheque Savings Transmission

DATE STAMP OF BANK

(Certified as correct by: Bank Details)

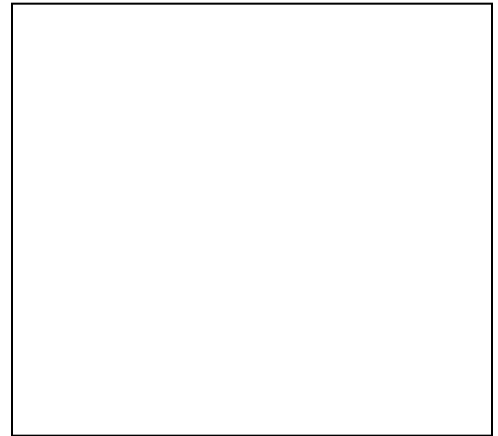
Name and Surname: _____

Signature: _____

Designation: _____

Tel number: (_____) _____

Fax number: (_____) _____



I/We the undersigned acknowledge(s) that:

- The information furnished is true and correct
- The Equity Ownership claimed is in accordance with the General Conditions
- Any conflict of interest should be declared in writing
- An official HDA purchase order will be accepted
- Payment of any goods delivered or services rendered will be effected
Within 30 days from receipt of invoice.

NAME AND SURNAME

SIGNATURE
(DULY AUTHORISED TO SIGN)

ON BEHALF OF
(Name of Organization)

ADDRESS
.....
.....
.....
.....

TELEPHONE NUMBER

DATE

COMMISSIONER OF OATH:
SIGNATURE:

DATE:

STAMP:

**(Failure of not having a stamp and
Signed by a Commissioner of Oath
will invalidate your application)**



LIST OF PRODUCTS/SERVICES OFFERED: PLEASE SPECIFY AS BELOW:**2.1.1 BUILDING AND CONSTRUCTION**

(Please indicate the services offered as indicated below), **services not indicated must be specified under**

other.

| DISCIPLINE NAME | Tick |
|---------------------------|------|
| BUILDING AND CONSTRUCTION | |
| ENGINEERS | |
| PROPERTY EVALUATORS | |
| QUANTITY SURVEYORS | |
| TOWN PLANNERS | |
| OTHER (please specify) | |

2.1.2 ACCOUNTING, AUDITING AND FINANCE SERVICES

(Please indicate the services offered as indicated below), **services not indicated must be specified under other.**

| DISCIPLINE NAME | Tick |
|---------------------------|------|
| FINANCIAL ACCOUNTING | |
| FORENSIC AUDIT | |
| AUDITING | |
| MANAGEMENT ACCOUNTING | |
| ASSETS MANAGEMENT | |
| FINANCIAL RISK MANAGEMENT | |
| OTHER (please specify) | |

Please provide specifics for each discipline chosen

2.1.2 SUPPLY CHAIN MANAGEMENT SERVICES

| DISCIPLINE NAME | Tick |
|-------------------------------------|------|
| SUPPLY CHAIN MANAGEMENT CONSULTANTS | |
| OTHER (please specify) | |

Please provide specifics for each discipline chosen

2.1.3. FACILITIES MANAGEMENT SERVICES

| DISCIPLINE NAME | Tick |
|--------------------------------|------|
| FACILITIES MANAGEMENT SERVICES | |
| OTHER (please specify) | |

Please provide specifics for each discipline chosen

2.1.4. HUMAN RESOURCES

(Please indicate the services offered as indicated below)

| DISCIPLINE NAME | Tick |
|--|------|
| WELLNESS SERVICES | |
| RECRUITMENT, SELECTION & PLACEMENTS | |
| HR RESEARCH & SURVEYS | |
| TRAINING & DEVELOPMENT | |
| LABOUR RELATIONS ; FACILITATOR, MEDIATORS & ABITRATORS | |
| OTHER (please specify) | |

Please provide specifics for each discipline chosen

2.1.5. COMMUNICATION, MARKETING & CORPORATE SERVICES

| DISCIPLINE NAME | Tick |
|-------------------------------------|------|
| ADVERTISING SERVICES | |
| JOURNALISTS | |
| CORPORATE PRINTING SERVICES | |
| MEDIA CAMPAIGNS | |
| REPUTATION & STAKEHOLDER MANAGEMENT | |
| GRAPHIC DESIGNS | |
| OTHER (please specify) | |

Please provide specifics for each discipline chosen

2.1.6. IT SERVICES

(Please indicate the services offered as indicated below)

| DISCIPLINE NAME | Tick |
|--------------------------|------|
| COMPUTER SOFTWARES | |
| COMPUTER HARDWARE | |
| LICENSING | |
| PROGRAMMING | |
| IT SYSTEMS & DEVELOPMENT | |
| OTHER (please specify) | |

2.1.7. ADVISORY SERVICES

(Please indicate the services offered as indicated below)

| DISCIPLINE NAME | Tick |
|------------------------------------|------|
| ADVISORY SERVICES | |
| COMMUNITY FACILITATION CONSULTANTS | |
| OTHER (please specify) | |

Please provide specifics for each discipline chosen

2.1.8. OPERATIONS SERVICES

| DISCIPLINE NAME | Tick |
|--|------|
| SYSTEM INTEGRATOR | |
| BUSINESS PROCESS ENGINEERING | |
| PROGRAMME AND PROJECT MANAGEMENT CONSULTANTS | |
| BENCHMARKING CONSULTANCY SERVICES | |
| OTHER (please specify) | |

2.1.9. GENERAL SERVICES

| SERVICES | Tick |
|---|------|
| STATIONERY | |
| CORPORATE PRINTING –business cards, annual reports, folders and letterheads | |
| CORPORATE GIFTS | |
| CATERING | |
| FURNITURE AND OFFICE EQUIPMENT i.e. desks, workstation, chairs, | |
| VENUE HIRE | |
| SHUTTLE SERVICES | |
| OFFICE CLEANING | |
| SECURITY SERVICES | |
| OFFICE REMOVALS | |
| PHOTOGRAPHERS | |
| FLORISTS , OFFICE FLOWERS & GIFT HAMPERS | |
| TRAVEL AGENTS | |
| COURIER SERVICES | |
| DISC JOCKEYS (DJ S) | |
| LOCKSMITHS SERVICES | |
| DOCUMENT FILING SERVICES | |
| OFFICE PLANTS SERVICES & MAINTENANCE | |
| OTHER (please specify) | |

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

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

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

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:

2.3 Position occupied in the Company (director, trustee, shareholder²):

2.4 Company Registration Number:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

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

¹"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

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

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

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

Name of state institution at which you or the person connected to the bidder is employed :

Position occupied in the state institution:

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

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

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

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

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

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

2.8.1 If so, furnish particulars:
.....
.....
.....

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

2.9.1 If so, furnish particulars.
.....
.....
.....

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

.....
Position

.....
Name of bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2001

1. PURCHASES

This preference form must form part of all bids invited. It contains general information and serves as a claim form for Historically Disadvantaged Individual (HDI) preference points as well as a summary for preference points claimed for attainment of other specified goals

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF EQUITY OWNERSHIP BY HISTORICALLY DISADVANTAGED INDIVIDUALS (HDIs), AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2001.

2. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R500 000; and
- the 90/10 system for requirements with a Rand value above R500 000.

2.2 The value of this bid is estimated to exceed/not exceed R500 000 and therefore the.....system shall be applicable.

2.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) Specific contract participation goals, as specified in the attached forms.

1.3.1 The points for this bid are allocated as follows:

| | | |
|----------------|--------------|---------------|
| 1.3.1.1 | PRICE | POINTS |
| | | |

1.3.1.2 SPECIFIC CONTRACT PARTICIPATION GOALS

(a) Historically Disadvantaged Individuals:

- (i) who had no franchise in national elections before the 1983 and 1993 Constitutions
 - (ii) who is a female
 - (iii) who has a disability

(b) Other specific goals (goals of the RDP- plus local manufacture)

- (i)
- (ii)
- (iii)
- (iv)

| | |
|---|------------|
| Total points for Price, HDIs and other RDP-goals must not exceed | 100 |
|---|------------|

Separate Preference Points Claim Forms will be used for the promotion of the specific goals for which points have been allocated in paragraph 1.3.1.2 (b) above.

- 1.4 Failure on the part of a bidder to fill in and/or to sign this form may be interpreted to mean that preference points 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. GENERAL DEFINITIONS

- 2.1 **“Acceptable bid”** means any bid which, in all respects, complies with the specifications and conditions of bid as set out in the bid document.
- 2.2 **“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, works or services.
- 2.3 **“Comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilised have been taken into consideration.
- 2.4 **“Consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skills and knowledge in an activity for the execution of a contract.
- 2.5 **“Contract”** means the agreement that results from the acceptance of a bid by an organ of state.
- 2.6 **“Specific contract participation goals”** means the goals as stipulated in the Preferential Procurement Regulations 2001.
- 2.6.1 In addition to above-mentioned goals, the Regulations [12.(1)] also make provision for organs of state to give particular consideration to procuring locally manufactured products.
- 2.7 **“Control”** means the possession and exercise of legal authority and power to manage the assets, goodwill and daily operations of a business and the active and continuous exercise of appropriate managerial authority and power in determining the policies and directing the operations of the business.
- 2.8 **“Disability”** means, in respect of a person, a permanent impairment of a physical, intellectual, or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being.
- 2.9 **“Equity Ownership”** means the percentage ownership and control, exercised by individuals within an enterprise.
- 2.10 **“Historically Disadvantaged Individual (HDI)”** means a South African citizen
- (1) who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act No 110 of 1983) or the Constitution of the Republic of South Africa, 1993, (Act No 200 of 1993) (“the interim Constitution); and/or
 - (2) who is a female; and/or
 - (3) who has a disability:
- provided that a person who obtained South African citizenship on or after the coming into effect of the Interim Constitution, is deemed not to be a HDI;
- 2.11 **“Management”** means an activity inclusive of control and performed on a daily basis, by any person who is a principal executive officer of the company, by whatever name that person may be designated, and whether or not that person is a director.
- 2.12 **“Owned”** means having all the customary elements of ownership, including the right of decision-making and sharing all the risks and profits commensurate with the degree of ownership interests as demonstrated by an examination of the substance, rather than the form of ownership arrangements.

- 2.13 “**Person**” includes reference to a juristic person.
- 2.14 “**Rand value**” means the total estimated value of a contract in Rand denomination that is calculated at the time of bid invitations and includes all applicable taxes and excise duties.
- 2.15 “**Small, Medium and Micro Enterprises (SMMEs)**” bears the same meaning assigned to this expression in the National Small Business Act, 1996 (No 102 of 1996).
- 2.16 “**Sub-contracting**” means the primary contractor’s assigning or leasing or 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.
- 2.17 “**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.
- 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. ESTABLISHMENT OF HDI EQUITY OWNERSHIP IN AN ENTERPRISE

- 3.1 Equity ownership shall be equated to the percentage of an enterprise which is owned by individuals classified as HDIs, or in the case of a company, the percentage shares that are owned by individuals classified as HDIs, who are actively involved in the management and daily business operations of the enterprise and exercise control over the enterprise, commensurate with their degree of ownership.
- 3.2 Where individuals are not actively involved in the management and daily business operations and do not exercise control over the enterprise commensurate with their degree of ownership, equity ownership may not be claimed.

4. ADJUDICATION USING A POINT SYSTEM

- 4.1 The bidder obtaining the highest number of points will be awarded the contract.
- 4.2 Preference points shall be calculated after prices have been brought to a comparative basis.
- 4.3 Points scored will be rounded off to 2 decimal places.
- 4.4 In the event of equal points scored, the bid will be awarded to the bidder scoring the highest number of points for specified goals.

5. POINTS AWARDED FOR PRICE

5.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

Where

Ps = Points scored for price of bid under consideration

Pt = Rand value of bid under consideration

Pmin = Rand value of lowest acceptable bid

6. Points awarded for historically disadvantaged individuals

6.1 In terms of Regulation 13 (2) preference points for HDI's are calculated on their percentage shareholding in a business, provided that they are actively involved in and exercise control over the enterprise. The following formula is prescribed in Regulation 13 (5) (c):

$$NEP = NOP \times \frac{EP}{100}$$

Where

NEP = Points awarded for equity ownership by an HDI

NOP = The maximum number of points awarded for equity ownership by an HDI in that specific category

EP = The percentage of equity ownership by an HDI within the enterprise or business, determined in accordance with the definition of HDI's.

6.2 Equity claims for a trust will only be allowed in respect of those persons who are both trustees and beneficiaries and who are actively involved in the management of the trust.

6.3 Documentation to substantiate the validity of the credentials of the trustees contemplated above must be submitted.

6.4 Listed companies and tertiary institutions do not qualify for HDI preference points.

6.5 A consortium or joint venture may, based on the percentage of the contract value managed or executed by their HDI-members, be entitled to preference points in respect of an HDI.

6.6 A person awarded a contract as a result of preference for contracting with, or providing equity ownership to an HDI, may not subcontract more than 25% of the value of the contract to a person who is not an HDI or does not qualify for the same number or more preference for equity ownership.

7. BID DECLARATION

7.1 Bidders who claim points in respect of equity ownership must complete the Bid Declaration at the end of this form.

8. EQUITY OWNERSHIP CLAIMED IN TERMS OF PARAGRAPH 2.10 ABOVE. POINTS TO BE CALCULATED FROM INFORMATION FURNISHED IN PARAGRAPH 9.8.

| | Ownership | Percentage owned | Points claimed |
|------------|---|-------------------------|-----------------------|
| 8.1 | Equity ownership by persons who had no franchise in the national elections | % | |
| 8.2 | Equity ownership by women | % | |
| 8.3 | Equity ownership by disabled persons* | % | |

*If points are claimed for disabled persons, indicate nature of impairment (see paragraph 2.8 above)

.....

9 DECLARATION WITH REGARD TO EQUITY

9.1 Name of firm :

9.2 VAT registration number :

9.3 Company registration number :

9.4 TYPE OF FIRM

- Partnership
- One person business/sole trader
- 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 FIRM HAS BEEN IN BUSINESS?

9.8 List all Shareholders by Name, Position, Identity Number, Citizenship, HDI status and ownership, as relevant. Information to be used to calculate the points claimed in paragraph 8.

| Name | Date/Position occupied in Enterprise | ID Number | Date RSA Citizenship obtained | * HDI Status | | | % of business / enterprise owned |
|------|--------------------------------------|-----------|-------------------------------|---------------------------------|-------|----------|----------------------------------|
| | | | | No franchise prior to elections | Women | Disabled | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

*Indicate YES or NO

9.10 I/we, the undersigned, who warrants that he/she is duly authorised to do so on behalf of the firm certify that points claimed, based on the equity ownership, indicated in paragraph 8 of the foregoing certificate, qualifies the firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct.
- (ii) The Equity ownership claimed is 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 8, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct.
- (iv) If the claims are found to be incorrect, the purchaser may, in addition to any other remedy it may have -
 - (a) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (b) 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;
 - (c) impose a financial penalty more severe than the theoretical financial preference associated with the claim which was made in the bid; and

WITNESSES:

1.

.....
SIGNATURE(S) OF BIDDER(S)

3.

DATE:.....

ADDRESS:.....

.....

.....

.....

1 DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 2 This Standard Bidding Document must form part of all bids invited.
- 3 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.
- 4 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
- abused the institution's supply chain management system;
 - committed fraud or any other improper conduct in relation to such system; or
 - failed to perform on any previous contract.
- 5 **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 as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied). | 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)? To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445. | 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 bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

- 6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
- 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.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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Signature

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Date

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Position

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Name of Bidder

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