

REQUEST FOR PROPOSAL (“RFP”)

PROVISION OF RESEARCH SERVICES IN DEVELOPING A METHODOLOGY FOR DETERMINING HARD-TO-FILL VACANCIES (HTFVs) ACROSS THE ENERGY AND WATER SECTOR



Bid Number	EWSETA/RFP/02/2019
Bid Scope	PROVISION OF RESEARCH SERVICES ON DEVELOPING A METHODOLOGY FOR DETERMINING HARD-TO-FILL VACANCIES (HTFVs) ACROSS THE ENERGY AND WATER SECTOR
Issue Date	FRIDAY 25 OCTOBER 2019
Closing Date for submission of bids	MONDAY 25 NOVEMBER @13:00HRS
Inquiries (all inquiries should be in writing)	scmadmin@eseta.org.za ;

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1. BACKGROUND INFORMATION

The Energy and Water Sector Education and Training Authority (“EWSETA”) is a statutory body established through the Skills Development Act of 1998 to enable its stakeholders to advance the national and global position of the Energy and Water sectors in the Large, Medium, Small levy paying and non- levy paying companies across the sector.

This was as a result of Government commitment to promote active labour market policies and is demonstrated in the Skills Development Act of 1998 and the Skills Development Levies Act of 1999. As guided by its mandate, the EWSETA is an agent of transformation by promoting employment equity and broad-based black economic empowerment (B-BBEE) through skills development. In this context, the EWSETA is keen to form sustainable partnerships and/or collaborations that will further promote its support for transformation.

2. OBJECTIVE

The objective of this request is aimed at the appointment of a competent service provider to conduct research for appropriately developing a methodology for effectively, efficiently and accurately determining hard-to-fill vacancies (HTFVs) within the energy and water sector. The research is envisaged to commence during 2019, and must be completed by May of 2020.

3. PROJECT BACKGROUND

As part of its mandates, the EWSETA has the responsibility of conducting research which should inform the strategic orientation of the organisation in terms of learning interventions, and management thereof, so as to continuously improve upon skills development across the energy and water sector.

In this light, the EWSETA has been tasked with the responsibility of conducting research in order to develop an efficient and effective methodology of accurately determining HTFVs as and when required by the SETA, whilst gaining deeper further insight in order for the SETA to be better positioned as an authoritative institution for labour market intelligence.

4. PURPOSE OF THE RESEARCH STUDY

The EWSETA is seeking to appoint a suitably qualified and experienced research service provider to conduct research and develop an efficient and effective methodology of accurately determining HTFVs across the energy and water sector.

Furthermore, the strategic intent of the study is aimed at contributing to the reporting efficiency of the SETA with respect to mandated outcomes–related objectives as envisaged in the Sector Skills Plan, Strategic Plan, and Annual Performance Plan of the EWSETA.

5. SCOPE OF WORK/ TERMS OF REFERENCE

The service provider will research and prepare the required research methodology for accurately determining Hard-to-Fill Vacancies (HTFVs) within the energy and water sector.

The research areas of focus below serve only as a guide in terms of the level of data, information, knowledge and insights to be acquired during the course of the research study. Thus, the areas of focus presented below are in no way exhaustive as the appointed service provider will be required to provide guidance and make meaningful, additional inputs into the study areas of focus.

The following areas of focus include, **but are not limited to**, the following:

5.1 Develop a methodology of how to accurately, efficiently and effectively:

- Collect data and information from related stakeholders with respect to occupations across the energy and water sector
- Collect data and information from related stakeholders with respect to the corresponding specialisations/alternative titles linked to the each of the occupations identified across the energy and water sector
- Ensure correspondence of identified occupations and specialisations with the current published Organising Framework for Occupations (OFO) List
- Prevent data anomalies/errors with respect to collected data and information by ensuring data/information integrity
- Determine which of the collected data and information (i.e. occupations and specialisations) are listed in the latest published OFO List and
- Establish a prioritisation technique (e.g. weighting and ranking, etc.) with which the EWSETA can accurately prioritise occupations and corresponding specialisations in rank order
- Link identified priority occupations and corresponding specialisations to recommended learning interventions (e.g. bursaries, apprenticeships, learnerships, etc.), as well as to the correct NQF levels
- Determine the quantities of each of the occupations and corresponding specialisations indicated by related stakeholders based on the data and information collected (i.e. based on the collected occupations and corresponding specialisations)

5.2 As part of the methodology, the service provider must provide a detailed description of how the areas of focus are to be integrated into one, centralised internal system through which all data and information gathered can be effectively, efficiently, and accurately collected, stored, managed/manipulated, monitored and reported on an adhoc basis (i.e. as and when required by the EWSETA).

5.3 Reporting and Dissemination

- Provide key findings of the research
- Document and discuss in-depth insights gained through the research
- Make appropriate recommendations for efficiently, effectively and accurately identifying occupations and corresponding specialisations across the energy and water sector
- Make appropriate recommendations for continuous improvement of the level and quality of data and information gathered through the newly developed methodology
- Make recommendations for further research in relation to this research undertaking

6. Methodology

The service provider will be expected to design and apply tools which will result in the collection, analysis and interpretation of verifiable and reliable data and information based on occupations and corresponding specialisations across the energy and water sector. The system should be simple to use and require little maintenance, and must also be easily upgradable/expanded.

Below are some examples of key outcomes for the research undertaking with respect to the development and deployment of an accurate, effective and efficient system to collect, store, manage/manipulate, monitor and report HTFVs as collected from related stakeholder across the energy and water sector. The service provider must develop a methodological approach which can be considered and implemented by the EWSETA.

- 6.1 Definition: definition of the key objectives of the study itself
- 6.2 Research study design: involving target population; data collection methods; data analysis; etc.
- 6.3 Questionnaire development: considerations such as length of the questionnaire; questions to be included; data entry requirements; open/closed questions; variables, codes and values; answer scales; categorical/nominal scale questions; question sequence; questionnaire layout; and piloting/testing
- 6.4 Data management: collection and organisation; documentation of the field phase; response statistics; control of returned/incomplete questionnaires; reminder actions; helpdesk and respondent/participant support; daily backup; measures for obtaining high participation/response rates; recommendations for cleaning and coding of data
- 6.5 Data analysis: Data entry for paper-based questionnaires; coding; coding of open responses; numerical data entry; management of missing values; data modification; data correction (the appointed service provider must have access to SPSS for data analysis)
- 6.6 Presentation of results: interpretation of and recommendations to address key challenges; method report; report on results; interpretation of results; recommendations; dissemination of findings
- 6.7 Test the methodology, and explore potential strategies for future improvements
- 6.8 The service provider must provide full support and training of the methodology (and its system) to EWSETA staff as part of the required services. Ongoing support is also required on an adhoc basis (i.e. as and when required by the EWSETA), the terms of which will be documented in the Service Level Agreement

The system will remain the property of the EWSETA in its entirety, and therefore, full functionality of the system (including its methodology) will be independently, wholly and fully operated and controlled by the EWSETA

7. Deliverables

- 7.1 Research Project Plan: The appointed service provide must submit a research project plan detailing the implementation of the research. The project plan must include research project approach, timelines, milestones, research team structure (including roles and responsibilities), reporting protocols, communication protocols, risk management plan, etc.
- 7.2 The service provider shall deliver a draft research study report in line with all EWSETA requirements as stipulated above, and in accordance with the service level agreement (to

be drafted during the appointment of an approved service provider). The draft research study report will be delivered to the EWSETA as follows:

- a) 2 x hard copies of the research report in Word format (including annexures and any supporting documents as required by the EWSETA).
- b) 1 x electronic copy of the research report in Word format, submitted on a USB memory stick (ensure the electronic copy submission is readable by any computer).
- c) A portfolio of evidence (PoE) must be provided for each chapter of the research report. Such evidence will include complete raw quantitative data sets and all interview transcripts, together with synthesis reports, as well as any other evidence deemed necessary by the EWSETA, submitted on a USB memory stick (ensure the electronic copy submission is readable by any computer).

7.3 The service provider shall deliver a final research study report in line with all EWSETA requirements as stipulated above, and in accordance with the service level agreement (to be drafted during the appointment of an approved service provider). The final research study report will be delivered to the EWSETA as follows:

- a) 2 x hard copies of the research report in Word format (including annexures and any attachments as required by the EWSETA).
- b) 1 x electronic copy of the research report in Word format, submitted on a USB memory stick (ensure the electronic copy submission is readable by any computer).
- c) A portfolio of evidence (PoE) must be provided for each chapter of the research report. Such evidence will include complete raw quantitative data sets and all interview transcripts, together with synthesis reports, as well as any other evidence deemed necessary by the EWSETA, submitted on a USB memory stick (ensure the electronic copy submission is readable by any computer).

- The final research study report will be based on amendments/inputs/additions made to the first draft research study report by the service provider in accordance with and as required by the EWSETA.

8. NOTES TO BIDDERS

Outlined below are basic requirements that each bid must comply with. Failure of any bid to meet any or all of these requirements may disqualify such a bid from the evaluation process:

- The EWSETA will not be liable to reimburse any costs incurred by applicants in preparing their proposals.
- Bids received late shall not be considered under any circumstances. A bid will be considered late if it arrives after 13:00 hours on/after the closing date.
- EWSETA does not bind itself into making an appointment from proposals and offers received.
- EWSETA reserves the right, at its sole discretion, to cancel this request for proposals, presentations and price or not to make any appointment at all.
- EWSETA will not make upfront payments.
- Upon award of the bid, the successful bidder shall enter into an agreement with EWSETA.
- Successful applicant must undertake to abide by the confidentiality undertakings contained in the agreement to be concluded;
- The successful applicant will be informed of the outcome. A contract will only be deemed to be concluded when reduced to writing and signed by the designated

- responsible person of both parties (duly authorised). The designated responsible person of the EWSETA is the Chief Executive Officer or his written authorised delegate.
- The EWSETA undertakes to pay valid invoices in full within 30 (thirty) days if all supporting documents are submitted.

9. EVALUATION CRITERIA

9.1 Pre-Qualification Criteria (Submission of Compulsory Documents):

Prospective service providers must comply with the requirements and submit all required document(s) indicated hereunder with the bid documents at the closing date and time of bid. This phase is not scored and bidders who fail to comply with all the mandatory criteria may be disqualified.

- 9.1.1 Prospective service providers are required to provide proof of registration with the Central Supplier Database by submitting the CSD report. In case of a Joint Venture, each party must provide proof of registration with CSD and their tax compliance status will be verified through the CSD.
- 9.1.2 Completed and signed Standard Bidding Documents attached to the bid. In case of a Joint Venture, a written agreement between the parties which must clearly set out the roles and responsibilities of each member.
- 9.1.3 In the case of a Joint Venture submitting a tender, include a resolution of each company of the Joint Venture together with a resolution by its members authorizing a member of the Joint Venture to sign the documents on behalf of the Joint Venture.
- 9.1.4 A prospective service provider must ensure that their tax matters are in order in line with the Treasury Regulations and reflect accordingly on CSD. It is therefore a condition of this bid that the tax matters of the bidder be in order at the time of award. Failure of the bidder for not complying with their tax matters at the time of award will result in the bidder being disqualified.

Non-compulsory documents

- 9.1.5 Certified copy of B-BBEE Certificate. A Joint Venture will qualify for the B-BBEE status level as a legal entity, provided that the legal entity submits their B-BBEE status level certificate. Failure on the part of the bidder to comply with the above will be deemed that preference points for B-BBEE status level of contribution are not claimed and will therefore be allocated a zero (0).

9.2 Technical/Functionality Stage

An assessment of Functionality will be based on the evaluation criteria noted in the table below. Each of the evaluation criteria in the table will carry a weighting as indicated, and the bidder will be required to score a minimum of 75 points (out of the 100 points), i.e. 75%, for Functionality in order to qualify to proceed to Stage 2.

CRITERIA

The service provider is to meet the below criteria which is applicable to the research proposal to be submitted to the EWSETA.

Criteria	Scoring	Weighted score
<p>Methodology (In the methodology section the bidder should describe the actions to be taken to conduct the research and the rationale for the application of specific procedures and/or techniques to be used, including description/examples of tools and instruments to be employed)</p>	<p>Proposed methodology is aligned to EWSETA scope, and is adaptable to in-house methodology = 5 points Actions to be taken to conduct the research and the rationale for the application of specific procedures = 10 points Techniques to be used to collect, clean, select, process, and analyse data = 10 points Project plan = 5 points Proposed tools and instruments to be used = 5 points Description of a reporting protocol = 5 points NB: Please adhere to the requirements.</p>	40
<p>Reference letters from companies as evidence of related research work previously conducted (NB: <i>The Reference Letter(s) must be in the letterhead of the previously serviced client and should reflect at least name of the client, title of the research study, year conducted, year completed, contactable reference name and contact details signed by the appropriate delegate and should not be older than three years</i>)</p>	<p>The Reference Letter(s) must be written on the letterhead of the previously serviced client and should reflect at least name of the client, title of the research study, year conducted, year completed, contactable reference name and contact details: 3 letters attached = 10 points 2 letters attached = 6 points 1 letter attached = 3 points No reference letters attached = 0; NB: Please adhere to the requirements.</p>	10
<p>Evidence of similar/related work previously conducted (preference will be given to similar/related work successfully conducted within the labour market field)</p>	<p>Portfolio of Evidence containing 2 or more samples of related previous research work (i.e. sample research reports, and a sample of corresponding data sheets) = 10 points Portfolio of Evidence containing 1 related research report and corresponding data sheet(s) = 5 points No samples of related previous research study attached = 0 points NB: Please adhere to the requirements.</p>	10
<p>Experience and Qualifications of a Lead Researcher/ Project Leader who will be implementing the research undertaking and executing all related functions</p>	<p>Qualifications: Master's degree in any of the related fields of Social Sciences, Education, Economics, Statistics or related field. PHD will be an added advantage.</p>	5

	<p>NB. Bidders must attach no later than 3 months certified copies of qualifications. <u>Uncertified qualification certificates, and/or qualification certificates certified more than 3 months prior to the closing date of this request will not be accepted and will therefore not score any points.</u></p> <p>PHD – 5 points Masters – 3 points Honours – 1 point Any other qualification not equivalent to relevant Honours/Masters/ PHD = 0 points</p>	
	<p>Experience:</p> <p>Must have at least 8 years of experience in related work (e.g. developing statistical methodologies, developing research methodologies, etc.)</p> <p>Must at least have done and completed one (1) research study in any of the related fields of Social Sciences, Education, Economics, or Statistics.</p> <p>At least 8 years of experience and at least 1 related research study completed = 10 points At least 8 years of experience and no related research study completed = 5 points Less than 8 years of experience and no related research study completed = 0 points</p> <p>NB: Please adhere to the requirements.</p>	10
<p>Organisational team structure indicating the composition of the team that will assist with the implementation of the research undertaking, and execute all related functions and activities of the study (for ease of reference, please attach a project-level team organogram)</p>	<p>Provide a description of the research team structure whilst indicating the team member names and their positions within the team structure.</p> <p>Please note that the team members indicated in the proposal must be the same team members who will be implementing this research undertaking.</p> <p>NB: Please adhere to the requirements.</p>	5
<p>Curriculum Vitae(s) and qualifications of each of the individual research study team</p>	<p>CV with a minimum of 3 years related experience attached together with highest qualifications of each of the research study</p>	10

<p>members, e.g. research analyst, statistician, etc.</p>	<p>team members (minimum honours degree in fields of Social Sciences, Education, Economics, Statistics = 5 points</p> <p>Where CV presented with insufficient required work experience (i.e. less than 3 years, but more than 1 year of related experience), and with relevant highest qualification attached = 2 points</p> <p>No CV and/or certified copies of qualifications attached for each team member = 0 points</p> <p>NB: Please adhere to the requirements.</p>	
	<p>CVs of other relevant fieldwork team members (at least one) attached, including supporting highest qualification = 5</p> <p>No CVs and supporting qualifications attached for fieldwork team members = 0 points</p> <p>NB: Please adhere to the listed criteria.</p>	5
<p>Company profile</p>	<p>Company profile should indicate the following elements:</p> <p>(1) services rendered by the service provider = 1 point</p> <p>(2) company's years of experience (at least 5 years) = 2 points</p> <p>(3) geographical location = 2 points (awarded only to those companies located and/or have operations within Gauteng Province)</p> <p>No profile attached = 0</p> <p>NB: Please adhere to the requirements.</p>	5
<p>TOTAL</p>		100

NB: Please note that any plagiarism of any sort contained within any bid or any other documents submitted to the EWSETA by any bidder will result in the disqualification of the respective bidder.

9.3 Pricing and preference points Stage

For purpose of evaluating preference points, the following preference point systems will be applicable to all bids whereby preference points shall be awarded for Price; and B-BBEE Status Level of Contribution.

- The points scored in respect of B-BBEE contribution (i.e. HDI status) will be added to the points scored for price.
- The following formula will be used to calculate the points for Price:

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

Where

P_s = Points scored for comparative price of proposal or quotation

P_t = Comparative price of proposal or offer

P_{\min} = Comparative price of lowest acceptable proposal or offer

The following table must be used to calculate the score out of 20 for BBEE

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

A tenderer must submit proof of its B-BBEE status level of contributor. A tenderer failing to submit proof of B-BBEE status level of contributor or is a non-compliant contributor to B-BBEE may not be disqualified, but-

- may only score points out of 80 for price; and
- scores 0 points out of 20 for B-BBEE.

A tenderer may not be awarded points for B-BBEE status level of contributor if the tender documents indicate that the tenderer intends subcontracting more than 25% of the value of the contract to any other person not qualifying for at least the points that the tenderer qualifies for, unless the intended subcontractor is an EME that has the capability to execute the subcontract.

10. FINANCIAL PROPOSAL

Financial proposals will be compared on the basis of their total amount inclusive of VAT and all other related costs. Bidders are required to submit financial proposals as per the table below on a company letterhead.

Item	Total cost
Vat	R
Total Amount inclusive of VAT	R

COMPANY NAME: _____

SIGNATURE OF BIDDER: _____

Only firm prices will be accepted. Non-firm prices (including prices subject to rates of exchange variations) will not be considered.

Pricing schedule is compulsory and failure to complete same in prescribed manner as per the Annexure B and without alterations may result in disqualification of bid price proposal during the financial evaluation process.

Bidders are requested to provide a clear agreement regarding joint venture/consortia. The percentage involvement of each company in the joint venture agreement should be indicated on the agreement. A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification Certificate for every separate bid;

Bidders are required to submit original and valid B-BBEE Status Level Verification Certificates or certified copies thereof together with their bids, to substantiate their B-BBEE rating claims;

A bidder 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;

A bidder 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;

11. SUB-CONTRACTING

A tenderer will not be awarded points for B-BBEE status level if it is indicated in the tender documents that such a tenderer 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 tenderer qualifies for, unless the intended sub-contractor is an exempted micro enterprise that has the capability and ability to execute the sub-contract.

12. SUBMISSION OF BIDS

Bidders are required to submit **ONE original plus three copies** their bids to the following address;

EWSETA
Building B, 2nd Floor – reception
32 Princess of Wales Terrace
Sunnyside Office Park
Parktown
2193

The following information must be endorsed on the envelope:

- Bid number
- Title of the bid
- Name of bidder

Bidders are required to submit their proposals in two (2) sealed envelopes in the following format:

Envelope 1: Technical Proposal

Marked with the name of the bidder, contact details, company address, closing date, and Titled: Technical Proposal for EWSETA Tender No: **EWSETA/RFP/02/2019**

Envelope 2: Price and valid BEE Certificate Proposal:

Marked with name of bidder, contact details, company address closing date, and titled Price Proposal and Valid BEE Certificate for EWSETA Tender No: **EWSETA/RFP/02/2019**

Pricing Schedule

VAT must be specified as a separate total for each cost item.

Total estimated value of contract should be denominated in Rands.

Valid BEE Certificate

EWSETA may request clarification or further information regarding any aspect of the bidder. The bidder must provide the requested information within forty-eight (48) hours after the request has been made; otherwise the bidder may be disqualified.

EWSETA may request clarification or further information regarding any aspect of the bidder. The bidder must provide the requested information within forty-eight (48) hours after the request has been made; otherwise the bidder may be disqualified.

13. CLOSING DATE OF PROPOSAL

A comprehensive proposal together with pricing schedule must reach EWSETA by no later than **Monday 25 November 2019 not later than 13H00**. Please note that no late proposals will be considered.

14. TENDER VALIDITY

This RFQ shall be valid for 90 days calculated from Bid closing date.

15. FRAUD HOT-LINE

EWSETA subscribes to fair and just administrative processes. EWSETA therefore urges its clients, suppliers and the general public to report any fraud or corruption to:

EWSETA TIP-OFFS ANONYMOUS

Free Call: 0800 611 205

Email: ewseta@tip-offs.com

Or visit their website www.tip-offs.com

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE ENERGY & WATER SECTOR EDUCATION AND TRAINING AUTHORITY					
BID NUMBER:	EWSETA/RFP/02/2019	CLOSING DATE:	25 NOVEMBER 2019	CLOSING TIME:	13:00HOURS
DESCRIPTION	PROVISION OF RESEARCH SERVICES ON DEVELOPING A METHODOLOGY FOR DETERMINING HARD-TO-FILL VACANCIES (HTFVs) ACROSS THE ENERGY AND WATER SECTOR				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					

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

SUPPLIER INFORMATION					
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 <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		<input type="checkbox"/> Yes <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]
SIGNATURE OF BIDDER	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE
- 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.
- 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.
- 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.

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 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.
- 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.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO
- 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? YES NO
- 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO
- 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO

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.

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

EWSETA GENERAL CONDITIONS OF PURCHASE

General

EWSETA and the Supplier enter into an order/contract on these conditions to supply the items (goods/services/works) as described in the order/contract.

Conditions

These conditions form the basis of the contract between EWSETA and the Supplier. Notwithstanding anything to the contrary in any document issued or sent by the Supplier, these conditions apply except as expressly agreed in writing by EWSETA. No servant or agent of EWSETA has authority to vary these conditions orally. These general conditions of purchase are subject to such further special conditions as may be prescribed in writing by EWSETA in the order/contract.

Price and payment

The price or rates for the items stated in the order/contract may include an amount for price adjustment, which is calculated in accordance with the formula stated in the order/contract. The Supplier may be paid in one currency other than South African Rand. Only one exchange rate is used to convert from this currency to South African Rand. Payment to the Supplier in this currency other than South African Rand, does not exceed the amounts stated in the order/contract. EWSETA pays for the item within 30 days of receipt of the Suppliers correct tax invoice.

Delivery and documents

The Supplier's obligation is to deliver the items on or before the date stated in the order/contract. Late deliveries or late completion of the items may be subject to a penalty if this is imposed in the order/contract. No payment is made if the Supplier does not provide the item as stated in order/contract.

Where items are to be delivered the Supplier:

Clearly marks the outside of each consignment or package with the Supplier's name and full details of the destination in accordance with the order and includes a packing note stating the contents thereof; On dispatch of each consignment, sends to EWSETA at the address for delivery of the items, an advice note specifying the means of transport, weight, number of volume as appropriate and the point and date of dispatch; Sends to EWSETA a detailed priced invoice as soon as is reasonably practical after dispatch of the items, and states on all communications in respect of the order the order number and code number (if any).

Containers / packing material

Unless otherwise stated in the order/contract, no payment is made for containers or packing materials or return to the Supplier.

Title and risk

Without prejudice to rights of rejection under these conditions, title to and risk in the items passes to EWSETA when accepted by EWSETA.

Rejection

If the Supplier fails to comply with his obligations under the order/contract, EWSETA may reject any part of the items by giving written notice to the Supplier specifying the reason for rejection and whether and within what period replacement of items or re-work are required.

In the case of items delivered, EWSETA may return the rejected items to the Supplier at the Supplier's risk and expense. Any money paid to the Supplier in respect of the items not replaced within the time required, together with the costs of returning rejected items to the Supplier and obtaining replacement items from a third party, are paid by the Supplier to EWSETA.

In the case of service, the Supplier corrects non-conformances as indicated by EWSETA.

Warranty

Without prejudice to any other rights of EWSETA under these conditions, the Supplier warrants that the items are in accordance with EWSETA's requirements, and fit for the purpose for which they are intended, and will remain free from defects for a period of one year (unless another period is stated in the Order) from acceptance of the items by EWSETA.

Indemnity

The Supplier indemnifies EWSETA against all actions, suits, claims, demands, costs, charges and expenses arising in connection therewith arising from the negligence, infringement of intellectual or legal rights or breach of statutory duty of the Supplier, his subcontractors, agents or servants, or from the Supplier's defective design, materials or workmanship.

The Supplier indemnifies EWSETA against claims, proceedings, compensation and costs payable arising out of infringement by the Supplier of the rights of others, except an infringement which arose out of the use by the Supplier of things provided by EWSETA.

Assignment and sub-contracting

The Supplier may not assign or subcontract any part of this order/contract without the written consent of EWSETA.

Termination

EWSETA may terminate the order/contract at any time (without prejudice to any right of action or remedy which has accrued or thereafter accrues to EWSETA):

If the Supplier defaults in due performance of the order/contract, or if the Supplier becomes bankrupt or otherwise is, in the opinion of EWSETA, in such financial circumstances as to prejudice the proper performance of the order/contract, or for any other reason in which case the Supplier will be compensated for all costs incurred.

Governing law

The order/contract is governed by the law of the Republic of South Africa and the parties hereby submit to the non-exclusive jurisdiction of the South African courts.

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 YES / NO presently employed by the state?

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 YES / NO shareholders / members or their spouses conduct business with the state in the previous twelve months?

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 EWSETA'S GENERAL CONDITIONS OF TENDER AS STIPULATED IN THE RFP SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
 SIGNATURE

.....
 DATE

.....
 POSITION

.....
 NAME OF BIDDER

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

2.3 GENERAL CONDITIONS

- a. The value of this bid is estimated not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or

1.2 Points for this bid shall be awarded for:

2.

2.3 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
- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

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

2.2.1 **Price - 80**

2.2.2 **B-BBEE Status Level of Contributor- 20**

2.2.3 **Total points for Price and B-BBEE - 100**

2.3 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.

2.4 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.

3. 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 bidder to provide goods or services in accordance with specifications as set out in the tender/ RFQ 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;

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

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

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

5.1 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 (80/20 system)

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

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 CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 4.1 AND 5.1

7.1 B-BBEE Status Level of Contributor:=(maximum of 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 relevant proof of B-BBEE status level of contributor

8. SUB-CONTRACTING

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

(Tick applicable box)

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

8.1.1 If yes, indicate:

- i. What percentage of the contract will be subcontracted.....%
- ii. The name of the sub-contractor contractor.....
- iii. The B-BBEE status level of 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		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

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

.....

.....

.....

.....

COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

9.7 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i. The information furnished is true and correct;
- ii. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv. If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - a. disqualify the person from the bidding process;
 - b. recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - c. cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation
 - d. recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
 - e. forward the matter for criminal prosecution.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

The order/contract is governed by the law of the Republic of South Africa and the parties hereby submit to the non-exclusive jurisdiction of the South African courts.

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><i>The Database of Restricted Suppliers now resides on the National Treasury’s website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</i></p>	Yes	No
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)? <i>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</i>	Yes	No
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	No
4.3.1	If so, furnish particulars: <input type="checkbox"/> <input type="checkbox"/>		
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	No
4.4.1	If so, furnish particulars:		

CERTIFICATION

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

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Standard Bidding Document (SBD) must form part of all bids¹ invited.
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a pe se prohibition meaning that it cannot be justified under any grounds.
3. Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
4. This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
5. In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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



CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: that: (Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - a. has been requested to submit a bid in response to this bid invitation;
 - b. could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - c. provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
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.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder