

# REQUEST FOR PROPOSAL (“RFP”)

## PROVISION OF RESEARCH SERVICES IN CONDUCTING RESEARCH ON THE INFLUENCE OF EMERGING TECHNOLOGIES AND ARTIFICIAL INTELLIGENCE IN THE ENERGY AND WATER SECTOR



<b>Bid Number</b>	EWSETA/RFP/08/2020
<b>Bid Scope</b>	PROVISION OF RESEARCH SERVICES IN CONDUCTING RESEARCH ON THE INFLUENCE OF EMERGING TECHNOLOGIES AND ARTIFICIAL INTELLIGENCE IN THE ENERGY AND WATER SECTOR
<b>Issue Date</b>	FRIDAY 04 SEPTEMBER 2020
<b>Non-compulsory Briefing Session</b>	N/A
<b>Closing Date for submission of bids</b>	MONDAY 28 SEPTEMBER 2020 @ 11:00HRS
<b>Inquiries</b> (all inquiries should be in writing)	<a href="mailto:scmadmin@ewseta.org.za">scmadmin@ewseta.org.za</a>

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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 sector by facilitating the effective development of skills required to respond to related imperatives as envisaged in the National Development Plan (NDP).

This is as a result of Government commitment to promote active labour market policies as is demonstrated in the Skills Development Act of 1998 and the Skills Development Levies Act of 1999. As guided by its mandate, the SETA is an agent of transformation by promoting the achievement of desired outcomes as stipulated in the National Skills Development Plan (NSDP) whilst observing and complying with legislative and regulatory frameworks, such as the Public Finance Management Act No. 1 of 1999.

As part of its mandate, the EWSETA has the responsibility of conducting research which should inform the strategic orientation of the organisation and continuously improve the overall quality of skills-related service delivery to the energy and water sector.

Furthermore, SETAs are required by DHET to establish collaborative research partnerships with public universities or public research institutions to strengthen and enhance the sector research effort.

## 2. ROLE AND OBJECTIVES OF RESEARCHERS

- 2.1 EWSETA is seeking to appoint a suitably qualified and experienced public university or research institution for conducting research to determine the Influence of Emerging Technologies and AI Skills in the Sector in line with all requirements stipulated in this terms of reference (TOR). This research undertaking is to commence when the contract is finalised and last until end of February 2021.
- 2.2 The purpose of the research is to ensure that the EWSETA has relevant, up-to-date data and information with respect to the influence of emerging technologies and AI skills in the energy and water sector. Furthermore, the strategic intent of the study is aimed at contributing to the reporting efficiency of the EWSETA with respect to mandated outcomes–related objectives, as envisaged in the Sector Skills Plan, Strategic Plan, and Annual Performance Plan of the EWSETA.

## 3. SCOPE OF WORK

The service provider will research and prepare the required research report in line with a predetermined framework.

**The research areas of focus below serve only as a guide in terms of the level of data, information, knowledge and insight to be acquired during the course of research. 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 significant and meaningful inputs into the research areas of focus.**

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

**3.1 Identify and define relevant emerging technology and artificial intelligence (AI)**

**skills across the energy and water sector** (as a starting point, a few examples may include skills in robotics; the internet of things; automation; etc.)

**3.1.1 Identify and define the major change drivers as disruptors across the energy and water sectors**

3.1.1.1 Explore the ways in which the respective sub-sectors (i.e. energy and water, respectively) have each responded to major change drivers.

3.1.1.2 Explore how major change drivers have influenced the way the sub-sectors gear themselves for change.

**3.1.2 Describe the role the Fourth Industrial Revolution (4IR) (as a major change driver) has played within the energy and water sector in light of emerging technologies and AI skills.**

**3.1.3 Explore how emerging technologies and AI have, and are, transforming the sector.**

**3.1.4 Discuss how organisations identify and plan for skills in relation to the above.**

3.1.4.1 Explain how organisations within the energy and water sector determine current and future skills.

3.1.4.2 Determine best practice with respect to the above.

**3.1.5 Discuss how organisations ensure business continuity in light of technological advancement and AI (e.g. reconciled in terms of appropriate skills development strategies, etc.).**

**3.1.6 Determine how organisations maintain maximum performance whilst faced with major disruptors and change drivers (e.g. such as 4IR) in relation to skills and jobs.**

**3.1.7 Explore current and future jobs in relation to emerging technologies and AI.**

3.1.7.1 Provide a description of the jobs as we know them today across the energy and water sector, determine how these have changed, and how they will change in future (e.g. engineering jobs, water-related jobs, etc.).

3.1.7.2 Provide a description of emerging and future jobs that will increasingly come to the fore as a direct consequence of technological advancement across the energy and water sector.

3.1.7.3 Determine the skills and qualifications required to address the needs of organisations now and in future in relation to emerging technologies and AI.

3.1.7.4 Determine appropriate measures to be adopted by the EWSETA with respect to education and training and preparing learners for emerging jobs (in light of emerging technologies).

3.1.7.5 Explore and determine the ways in which technological advancement and AI have influenced skills development across the energy and water sector.

**3.2 Explore risk factors associated with emerging technologies and AI in relation to skills development and the sector at large**

**3.2.1 For example, determine the risk factors, such as skills obsolescence, etc.**

- 3.2.2 Determine whether technologies and AI are replacing people in the workplace; as well as the extent to which people are being replaced by technology and AI (if this is in fact the case or likely the case in future).
- 3.2.3 Determine the unintended consequences (both positive and negative) of technological advancement and AI with respect to jobs across the energy and water sector.
- 3.2.4 Describe the business-related risk factors, such as cost implications of technological disruptions (and reconcile this in terms of the implications for skills development).

### 3.3 Reporting and Dissemination

- 3.3.1 All findings and recommendations must be evidence-based
- 3.3.2 Provide key findings
- 3.3.3 Document in-depth insights
- 3.3.4 Make appropriate recommendations over and above those related to the preceding sections
- 3.3.5 Make appropriate recommendations for further research in relation to this research undertaking
- 3.3.6 Use an approved EWSETA reporting template

## 4. METHODOLOGY

The service provider will be expected to design and apply tools which will result in the collection and analysis of verifiable and reliable data and information. This will include, but is not necessarily limited to: literature reviews; surveys; structured and semi-structured interviews with key stakeholders, etc.

Below are some recommendations based on previous research work undertaken. The service provider must propose a methodological approach which will be subject to review by the EWSETA.

- 4.1 **Definition:** definition of the key objectives of the study itself.
- 4.2 **Research study design:** involving target population; data collection methods; cross-sectional versus panel study; data analysis; etc.
- 4.3 **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.
- 4.4 **Data management:** collection and organisation; documentation of the field phase; response statistics; control of returned questionnaires; reminder actions; helpdesk and respondent/participant support; daily backup; measures for obtaining high participation/response rates; recommendations for cleaning and coding of data.
- 4.5 **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 and other appropriate tools for data analysis).
- 4.6 **Presentation of results:** interpretation of and recommendations to address key challenges and opportunities; method report; report on results; interpretation of results; meaningful and insightful recommendations; dissemination of findings.
- 4.7 **Test** the findings of the desk and field research and explore potential strategies for improving the most appropriate provision of skills.

## 5. DELIVERABLES

- 5.1 **Research Project Plan:** The appointed service provide must submit a research project plan detailing the implementation of the research study. The project plan must include research project approach, timelines, milestones, research team structure (including roles and responsibilities), reporting protocols, communication protocols, risk management plan, and other areas of the project plan as deemed necessary by the EWSETA.
- 5.2 **Sectors:** The appointed service provider will be expected to conduct research within each of the sub-sectors, namely energy and the water (including all sub-sectors as per the Sector Industry Classification Codes), utilising the agreed methodologies.
- 5.3 **Reporting:** The service provider shall deliver a draft research report in line with all EWSETA requirements as stipulated above and in accordance with the service level agreement (SLA) and/or memorandum of agreement (MOA) entered into during the appointment of the service provider. The draft research study report will be delivered to the EWSETA as follows:
  - 5.3.1 1 x electronic copy of the research report in word format, submitted on a USB memory stick (**ensure the electronic copy submission is submitted on a working usb-stick**).
  - 5.3.2 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 and voice recordings, 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 s submitted on a working usb-stick**).
- 5.4 The service provider shall deliver a final research study report in line with all EWSETA requirements as stipulated above, and in accordance with the SLA (to be drafted during the appointment of an approved service provider). The draft research study report will be delivered to the EWSETA as follows:
  - 5.4.1 3 x hard copies of the research report, both full and in 1/3/25 format (including annexures and any attachments as required by the EWSETA).
  - 5.4.2 1 x electronic copy of the research report, both full and in 1/3/25 format, submitted on a USB memory stick (ensure the electronic copy submission is readable by any computer).
  - 5.4.3 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 and voice recordings, 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).
  - 5.4.4 A PowerPoint presentation of the results.
- 5.5 The final research study report shall 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 recommendations/inputs/additions/etc.

## 6. EVALUATION CRITERIA

### 6.1 Stage 1: Pre-Qualification Criteria

#### 6.1.1 Submission of Compulsory Documents:

**Prospective bidders 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 will be disqualified.**

6.1.1.1 Bidder should be a public university or public research institution established by an Act of Parliament. Private entities will be disqualified unless they are in partnership/joint venture with a public university or research institution.

6.1.1.2 Prospective bidders 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.

6.1.1.3 Completed and signed Standard Bidding Documents attached to the bid.

6.1.1.4 In case of a Joint Venture, a written agreement between the parties which must clearly set out the roles and responsibilities of each member and 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. The public institution must not subcontract more than 51% of the value of the contract to a private entity.

#### 6.1.2 Non-compulsory documents

**Prospective bidders 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.**

6.1.2.1 Submit a valid Tax Clearance Certificate/ Tax Pin

6.1.2.2 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) points.

## 6.2 Stage 2: Technical/Functionality

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 3 of the evaluation process.

### CRITERIA

Criteria	Scoring	Weighted score
<p><b>Methodology</b></p> <p>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 for data collection and analysis</p>	<p>Proposed methodology is aligned to EWSETA scope and is adaptable to in-house methodology = <b>10 points</b></p> <p>Proposed methodology is partially aligned to EWSETA scope and/or is partially adaptable to in-house methodology = <b>5 points</b></p> <p>No/irrelevant methodology = <b>0 points</b></p>	<b>10</b>
<p><b>Team Composition</b></p> <p>The team should be balanced in terms of skills and have appropriate qualifications and experience to conduct the research and provide evidence-based results.</p> <p>List of team members with qualification, team position and relevant experience to be submitted. This is to be supplemented by CVs and certified qualifications of each of the individual research study team members, e.g. research analyst, statistician, etc.</p> <p><b>NB. Bidders must attach no older than 3 months certified copies of qualifications. <u>Uncertified qualification and/or certifications older than 3 months to the closing date will not be accepted and will therefore not score any points.</u></b></p>	<p>Suitable skills to conduct the research with appropriate qualifications and experience and thought-through team composition = <b>10 points</b></p> <p>Team composition comprised of partially skilled, qualified and/or experienced team members = <b>5 points</b></p> <p>No evidence/team does not have suitable skills, qualifications, or experience and/or team composition is not appropriate = <b>0 points</b></p>	<b>10</b>
<p><b>Reference letters</b> from different organisations as evidence of related research work previously conducted.</p>	<p>3 Reference Letter attached = <b>10 points</b></p> <p>2 Reference Letter attached = <b>5 points</b></p> <p>1 Reference Letter attached = <b>2 points</b></p>	<b>10</b>



<p>NB: The Reference Letter(s) must not be older than 5 years, must be on the letterhead of the previously serviced client and should reflect at least name of the client, title of the related work conducted, year(s) conducted and completed, contactable reference name and contact details and signed by the appropriate delegate. The Reference Letter should indicate the quality of the service rendered.</p>	<p>No/unsatisfactory/incomplete Reference Letters attached = <b>0 points</b></p>	
<p><b>Related Work</b>  <b>Evidence of similar/related work previously conducted in the skills development context.</b></p> <p><b>At one least has to have been authored by the Lead Researcher. Date of publication cannot be older than 5 years.</b></p> <p><b>Only a copy of a published report(s) based on influence of emerging technologies and AI in the sector will be considered</b></p>	<p>Two (2) or more formal peer-reviewed published research papers in accredited Department of Higher Education and Training (DHET) journals based on influence of emerging technologies and AI in the sector = <b>50 points</b></p> <p>One (1) formal peer-reviewed published research papers in accredited Department of Higher Education and Training (DHET) journals based on influence of emerging technologies and AI in the sector = <b>25 points</b></p> <p>Irrelevant/outdated/non-accredited and/or non-peer reviewed publications = 0 points</p>	<p><b>50</b></p>
<p><b>Experience and Qualifications of a Lead Researcher / Project Leader</b>          who will be implementing the research undertaking and executing all related functions of the study.</p> <p><b>Qualifications:</b>          At minimum a Master's degree in any of the related fields of Social Sciences, Education, Economics, or related field. PhD will be an added advantage.</p> <p><b>NB.</b> 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 in related field = <b>10 points</b></p> <p>Master's in related field = <b>5 points</b></p> <p>Any other qualification not equivalent to relevant Masters/ PhD = <b>0 points</b></p>	<p><b>10</b></p>
	<p><b>Experience:</b></p>	<p><b>10</b></p>

Foreign qualifications are required to be accompanied by a SAQA evaluation certificate	8+ years related experience = <b>10 points</b>	
<b>Experience:</b> Must have at least 5 years of experience in related work. Higher scores will be awarded to more experienced researchers.	5-7 years related experience = <b>5 points</b>	
	Less than 5 years related experience = <b>0 points</b>	
<b>TOTAL</b>		<b>100</b>

### 6.3 Stage 3: Pricing and preference points stage

#### 6.3.1 Preference Points

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 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

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 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 trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification Certificate for every separate bid. 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 Exempted Micro Enterprise (EME) that has the capability and ability to execute the sub-contract.

### 6.3.2 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 an institutional letterhead.**

The pricing schedule is compulsory and failure to complete the same in the prescribed manner, as per the table below, and without alterations, may result in disqualification of the bid during the financial evaluation process.

Item	Total cost
Provision of research services on influence of emerging technologies and AI in the energy and water sector	R
Other _ specify	R
<b>Vat</b>	R
<b>Total Amount inclusive of VAT</b>	R

### 7. NOTES TO BIDDERS

Outlined below are basic requirements that each bid must note and comply with throughout the bid process and project lifespan:

- 7.1 Prospective bidders 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.
- 7.2 The EWSETA will not be liable to reimburse any costs incurred by applicants in preparing their proposals.

- 7.3 Bids received late shall not be considered under any circumstances. A bid will be considered late if it arrives after **11:00 o'clock** on/after the closing date.
- 7.4 EWSETA does not bind itself into making an appointment from proposals and offers received.
- 7.5 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.
- 7.6 EWSETA reserves the right not to award the bid to the bidder that scores the highest points.
- 7.7 Successful bidder must undertake to abide by the confidentiality undertakings contained in the agreement to be concluded.
- 7.8 The successful bidder 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 her/his written authorised delegate.
- 7.9 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 and may potentially have legal ramifications.
- 7.10 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.
- 7.11 Nothing, as stipulated in these Terms of Reference may be amended without the written confirmation of the Chief Executive Officer of EWSETA or the appointed party.
- 7.12 **All works produced and emanating from this research undertaking remain the intellectual property of the EWSETA and are therefore subject to the approved EWSETA SLA and/or memorandum of agreement (MOA) or any such agreement entered into between the EWSETA and the respective service provider.**
- 7.13 **Any possible staff changes during the course of the engagement must be done in consultation and approval of the EWSETA.**

## 8. 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 (EME) that has the capability and ability to execute the sub-contract.

## 9. SUBMISSION OF BIDS

Bidders are required to submit **ONE original plus two copies** of the bid document which should be hand delivered to the following address:

EWSETA, Building B, Ground 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/08/2020**

#### **Section 1 : Compliance Documents**

#### **Section 2 : Technical proposal**

- a. Reference letters of previous related work performed
- b. Evidence of similar/related work previously conducted
- c. Experience and qualifications of lead researcher

### **Envelope 2: Price and valid BEE Certificate Proposal:**

Marked with name of bidder, contact details, company address closing date, and clearly titled indicating tender number **EWSETA/RFP/08/2020**.

## **10. CLOSING DATE OF PROPOSAL**

A comprehensive proposal together with pricing schedule must reach EWSETA by no later than **Monday, 28 September 2020 not later than 11H00 o'clock**. Please note that no late proposals will be considered.

## **11. TENDER VALIDITY**

This RFP shall be valid for 90 days calculated from bid closing date.

## **12. NEGOTIATION**

EWSETA has the right to enter into negotiation with a prospective contractor regarding any terms and conditions, including price(s), of a proposed contract.

EWSETA shall not be obliged to accept the lowest of any quotation, offer or proposal.

The successful bidder will be informed. A contract will only be deemed to be concluded when reduced to writing in a contract form signed by the designated responsible person of both parties. The designated responsible person of EWSETA is the Chief Executive Officer or his/her written authorised delegate.

## **13. PAYMENTS**

EWSETA will pay the Contractor the Fee as set out in the final contract. No additional amounts will be payable by EWSETA to the Contractor.

The Contractor shall, from time to time during the currency of the contract, invoice EWSETA for the services rendered. No payment will be made to the contractor unless an invoice complying with section 20 of the VAT Act No 89 of 1991 has been submitted to EWSETA.



Payment shall be made into the bidder's bank account normally 30 days after receipt of an acceptable valid invoice and all supporting documents. The contractor shall be responsible for accounting to the appropriate authorities for its Income Tax, VAT or other moneys required to be paid in terms of applicable law.

#### **14. 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](mailto:ewseta@tip-offs.com)

Or visit their website [www.tip-offs.com](http://www.tip-offs.com)

**15. ANNEXURE 1 - SBD1**

**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE ENERGY &amp; WATER SECTOR EDUCATION AND TRAINING AUTHORITY</b>					
BID NUMBER:	EWSETA/RFP/08/2020	CLOSING DATE:	28 Sept 2020	CLOSING TIME:	11:00HOURS
DESCRIPTION	PROVISION OF RESEARCH SERVICES IN CONDUCTING RESEARCH ON THE INFLUENCE OF EMERGING TECHNOLOGIES AND ARTIFICIAL INTELLIGENCE IN THE SECTOR				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>					

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

<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <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)	
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
DEPARTMENT/ PUBLIC ENTITY	SUPPLY CHAIN MANAGEMENT	CONTACT PERSON	MR. A. Patel
CONTACT PERSON	Ms. Moseke Matlala	TELEPHONE NUMBER	011 274 4700
TELEPHONE NUMBER	011 274 4700	FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	scmadmin@ewseta.org.za
E-MAIL ADDRESS	<a href="mailto:scmadmin@ewseta.org.za">scmadmin@ewseta.org.za</a>		



## 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 INVALID.**

## **16. ANNEXURE 2 - EWSETA GENERAL CONDITIONS OF CONTRACT**

### **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.

**17. ANNEXURE 3 - SBD4**

**DECLARATION OF INTEREST**

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

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

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

2.1 Full Name of bidder or his or her representative:

.....

2.2 Identity Number:

.....

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

.....

2.4 Company Registration Number:

.....

2.5 Tax Reference Number:

.....

2.6 VAT Registration Number:

.....

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

<sup>1</sup>“State” means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;

- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

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

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

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 **YES / NO**  
the appropriate authority to undertake remunerative  
work outside employment in the public sector?

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

(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, **YES/NO** 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?

2.10.1 If so, furnish particulars.  
.....  
.....  
.....

2.11 Do you or any of the directors / trustees / shareholders / members **YES/NO** of the company have any interest in any other related companies whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:  
.....  
.....  
.....



**3 FULL DETAILS OF DIRECTORS / TRUSTEES / MEMBERS / SHAREHOLDERS.**

Full Name	Identity Number	Personal Tax Reference Number	State Number / Employee Peral Number

**4 DECLARATION**

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

## 18. ANNEXURE 4 - SBD 6.1

### **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:

1.2.1 **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.

1.4 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.

#### **2. DEFINITIONS**

- a) "B-BBEE" means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- b) "B-BBEE status level of contributor" means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- c) "bid" means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- d) "Broad-Based Black Economic Empowerment Act" means the Broad-Based Black Economic



- Empowerment Act, 2003 (Act No. 53 of 2003);
- e) “EME” means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
  - f) “functionality” means the ability of a 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;

### 3. 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

2.3 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**

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:

<b>Designated Group: An EME or QSE which is at last 51% owned by:</b>	<b>EME</b>	<b>QSE</b>
	√	√
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		
<b>OR</b>		
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 .....

.....

**19. ANNEXURE 5 - SBD 8**

**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><b><i>The Database of Restricted Suppliers now resides on the National Treasury’s website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</i></b></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)? <b><i>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</i></b>	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**

## **20. ANNEXURE 6 - SBD 9**

### **CERTIFICATE OF INDEPENDENT BID DETERMINATION**

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

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

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



## CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_

(Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_

(Name of Institution)

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

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

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - a. has been requested to submit a bid in response to this bid invitation;
  - b. could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - c. provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - a. prices;



- b. geographical area where product or service will be rendered (market allocation)
  - c. methods, factors or formulas used to calculate prices;
  - d. the intention or decision to submit or not to submit, a bid;
  - e. the submission of a bid which does not meet the specifications and conditions of the bid; or
  - f. bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- <sup>3</sup> JOINT VENTURE OR CONSORTIUM MEANS AN ASSOCIATION OF PERSONS FOR THE PURPOSE OF COMBINING THEIR EXPERTISE, PROPERTY, CAPITAL, EFFORTS, SKILL AND KNOWLEDGE IN AN ACTIVITY FOR THE EXECUTION OF A CONTRACT.
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