

**REQUEST FOR QUOTATION (“RFQ”)**

**APPOINTMENT OF A SERVICE PROVIDER  
OR INDEPENDENT QUALITY ASSURANCE  
AND COMPLIANCE MANAGER FOR A  
PERIOD OF 6 MONTHS**

<b>Bid Number</b>	EWSETA/RFQ/55/2020
<b>Bid Scope</b>	APPOINTMENT OF A SERVICE PROVIDER OR INDEPENDENT QUALITY ASSURANCE AND COMPLIANCE MANAGER FOR A PERIOD OF 6 MONTHS
<b>Issue Date</b>	FRIDAY 23 OCTOBER 2020
<b>Closing Date for submission of bids</b>	THURSDAY 29 OCTOBER 2020 @13:00HRS
<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 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.

EWSETA's OPERATIONS Branch is the core function of implementing functions of the organisation to our Stakeholders.

## 2. PURPOSE

The Energy and Water Sector Education and Training Authority (EWSETA) hereby invites reputable Quality Assurance service providers and/or independent consultants who have extensive experience in providing Quality Assurance support services and on-premises resources.

## 3. SCOPE OF WORK

EWSETA invites reputable Quality Assurance service providers and independent consultants who have extensive experience in providing such services as on-premises resources for the following positions:

RESOURCES REQUIRED	EXPERIENCE LEVEL	TERM
Quality Assurance and Compliance Manager	Senior Management	6 Months

The Service requirements are outlined in more detail below. The successful bidder will be required to provide EWSETA with the following services:

### 3.1. Quality Assurance and Compliance Manager

#### JOB PROFILE

<p>Decision Making</p> <p>What is the key purpose of the role?</p> <p>What is the level and nature of decision making required?</p> <p>What is the level of discretion applied?</p> <p>What are the expected work outcomes/KPI's?</p>	<p><b>1. Key Responsibilities</b></p> <p><b>2.1. Quality Assurance and Compliance Planning and Coordination</b></p> <ul style="list-style-type: none"> <li>• Lead the development of the Quality Assurance and Compliance strategy to achieve the defined EWSETA mandate and objectives.</li> <li>• Define and evaluate the achievement of quality assurance and compliance objectives and targets.</li> <li>• Develop an Operational plan for quality assurance and compliance Department in line with EWSETA's strategy.</li> <li>• Own responsibility for the development, execution and performance of all activities designed to increase EWSETA's compliance and quality levels.</li> <li>• Manage and evaluate quality levels to achieve maximum compliance.</li> <li>• Establish strategies in conjunction with the other Component Managers and drive the implementation of the associated plans.</li> <li>• Establish, monitor and improve processes to link all quality assurance and compliance activities with the activities of the other EWSETA teams by working closely with the relevant managers to improve processes that link the activities.</li> <li>• Develop, implement and evaluate Quality Assurance and Compliance plans to meet EWSETA objectives.</li> </ul> <p><b>2.2. Stakeholder Relationship Management</b></p> <ul style="list-style-type: none"> <li>• Drive the quality assurance processes and solutions with external and internal customers and suppliers to deliver on the EWSETA mandate.</li> <li>• Work closely with key stakeholders to provide quality and compliance insights to drive performance.</li> <li>• Manage stakeholder expectations and objections and maintain ongoing relationships.</li> <li>• Manage short term and long-term stakeholder quality objectives and be able to respond to short term needs without damaging the long-term delivery requirements.</li> </ul> <p><b>2.3. QMS System</b></p> <ul style="list-style-type: none"> <li>• Manage QMS across EWSETA to ensure the SETA maintains relevant certification, drives continuous improvement, sustainability and manages risks.</li> <li>• Deliver a service to the broader Operations team, Supply Chain, Corporate Services, Sectoral Collaboration and Engagement, Finance and to external customers.</li> <li>• Ensure improvement of quality assurance and compliance and customer satisfaction through the establishment and maintenance of quality and compliance systems and standards.</li> <li>• Manage audits to verify conformance to QMS, legal requirements, quality specifications and compliance requirements.</li> <li>• Analyse and quality assurance issues and gaps to highlight areas of concern and areas for improvement.</li> <li>• Support and drive ongoing quality assurance principles by cultivating the required behaviour through QMS.</li> <li>• Drive the resolution of non-conformances with the relevant provider or internal team member.</li> </ul> <p><b>2.4. Information Analysis, Management and Reporting</b></p>
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- Provide detailed and precise reports to illustrate trends, predictions and relevant skills development strategies to internal and external stakeholders in conjunction with the internal research team or external experts.
- Provide consolidated stakeholder and provider quality assurance requirement inputs.
- Identify quality and compliance trends, monitor performance against targets.

**2.5. Technical Expertise and Professional Insight**

- Represent the key contact for the EWSETA with regards to all ETQA/OCTO activity.
- Contribute to the EWSETA's goals and objectives and improve external credibility, stakeholder satisfaction and productivity performance.
- Provide seasoned leadership in the translation and execution of the quality assurance and compliance strategy and the EWSETA mandate into impact programmes for individual stakeholders and providers.
- Facilitate specific dedicated quality assurance training for stakeholders and providers.
- Act as a strong team player within the organisation, motivate and encourage others, share ideas and best practice actively within the team.
- Provide technical, legal and advisory support to internal and external customers (stakeholders and providers).
- Participate in ETQA and QCTO committees of SAQA where required.
- Play the role of management representative for ISO or other QMS within EWSETA.
- Manage and facilitate management reviews and audits.
- Provide information, highlight key risks and give technical input to the EWSETA board.
- Define and maintain company quality assurance and compliance policies.
- Create quality assurance and compliance visibility and alignment through effective communication and increased synergy and connectivity across work streams and components.
- Provide technical expertise for the compilation of training material and policy manuals relating to assurance and compliance within the context of the SETA landscape to ensure knowledge transfer.
- Utilise networking and development opportunities to remain abreast of the latest trends and technology.

**2.6. Provider Quality Assurance**

- Manage EWSETA's Provider Quality Assurance Programme.
- Drive the development and manage the Quality Assurance and Compliance strategy for providers based on SAQA standards and trends and internal priorities and opportunities.
- Manage provider assessments (i.e. curriculum development, learning provision, assessment, moderation, RPL, certification and accreditation).
- Oversee the re-evaluation of provider assessments every 12 months.
- Approve the accreditation of skills development providers base on compliance and quality risks.
- Oversee the risk-based provider audit plan.
- Oversee provider verification and site audits.
- Lead a process for tracking the status of resolutions of provider audit findings.
- Report provider risks at management reviews and committee meetings.

**2.7. Performance Evaluation**

	<ul style="list-style-type: none"> <li>• Measure and review performance and achievement of EWSETA quality assurance and compliance objectives (including causes of deviation).</li> <li>• Compile and consolidate related reports dashboards, scorecards and measurement.</li> <li>• Identify opportunities and target achievement gaps; alert relevant stakeholders; agree priorities/actions; and monitor teams' delivery against these.</li> </ul> <p><b>2.8. Effective Teamwork and Self-Management</b></p> <ul style="list-style-type: none"> <li>• Take ownership and accountability for tasks and activities and demonstrate effective self-management in terms of planning and prioritising, and self-development.</li> <li>• Follow through to ensure that quality and productivity standards of work are consistently and accurately maintained.</li> <li>• Inform relevant parties in the event of tasks or deadlines not met, the potential risks thereof and provide appropriate resolution.</li> <li>• Manage colleagues' expectations and communicate appropriately.</li> <li>• Demonstrate willingness to help others and "go the extra mile" to meet team targets and objectives.</li> </ul> <p><b>2.9. Staff Management</b></p> <ul style="list-style-type: none"> <li>• Lead and develop staff within the context of the Labour Relations Act, Employment Equity Act, Basic Conditions of Employment Act and the Skills Development Act.</li> <li>• Monitor staff performance and provide regular feedback.</li> <li>• Manage staff activities, ensuring service levels are met and protocols are adhered to.</li> <li>• Coach and support staff where necessary to achieve objectives.</li> <li>• Manage staff leave and general time management issues in line with organisational deliverables and standards.</li> <li>• Manage and deliver on succession plans to enable the development of a future generation of leaders and specialists and ensure optimal turnover and retention levels are maintained.</li> <li>• Champion staff training and development through the utilisation of available training opportunities or contributing to the development of new training solutions in collaboration with national training specialists.</li> <li>• Conduct regular performance appraisals with subordinates.</li> <li>• Establish sound staff and labour organising and communication structures and systems.</li> </ul> <p><b>2.10. Financial Management</b></p> <ul style="list-style-type: none"> <li>• Define and manage the team budget.</li> <li>• Meet budgetary targets.</li> </ul>
<p><b>KNOWLEDGE/ COMPETENCE</b></p> <p>What skills, knowledge, and/or attributes are necessary to perform the role?</p>	<p><b>1. Knowledge</b></p> <ul style="list-style-type: none"> <li>• ETQA/ QCTO regulations and requirements relating to quality assurance and compliance</li> <li>• General statutory and regulatory requirements</li> <li>• QMS principles</li> <li>• EWSETA processes/operations</li> <li>• Energy and Water Sector requirements</li> <li>• Policy and process methodologies and writing</li> <li>• Collaboration and engagement principles, practices and tools</li> <li>• Human behaviour</li> <li>• EWSETA skills development solutions</li> </ul>

	<ul style="list-style-type: none"> <li>• E-learning Implementation and QA</li> </ul> <p><b>2. Skills</b></p> <ul style="list-style-type: none"> <li>• Verbal and written communication</li> <li>• Strategic thinking</li> <li>• Public speaking</li> <li>• Computer literacy</li> <li>• Report writing</li> <li>• Interpersonal skills</li> <li>• Presentation skills</li> <li>• Negotiation skills</li> <li>• Relationship building</li> <li>• Networking skills</li> </ul> <p><b>3. Attributes</b></p> <ul style="list-style-type: none"> <li>• Diplomacy</li> <li>• Sensitivity</li> <li>• Persuasive</li> <li>• Initiative and assertive</li> <li>• Tolerant of stress and pressure</li> <li>• Creative</li> <li>• Proactive</li> <li>• Deadline driven</li> <li>• People orientated</li> <li>• Able to interact at all levels of the organisation</li> <li>• Results/Goal oriented</li> <li>• Able to promote cross functional/component effectiveness</li> <li>• Decisive and able to quickly react to changing environments</li> <li>• High-energy self-starter as well as collaborative team player</li> <li>• Able to deal with sensitive sector and SETA information</li> <li>• Effective cross functional communicator within the EWSETA and within SAQA/ Inter SETA forums /communities of practice</li> <li>• Adaptability to changing priorities</li> </ul>
<p><b>QUALIFICATION AND EXPERIENCE</b></p>	<ul style="list-style-type: none"> <li>• Degree in Social Science or Training Qualification</li> <li>• Registered Assessor</li> <li>• Facilitation</li> <li>• Qualification Development</li> <li>• Minimum of 5 to 7 years' experience within Quality Assurance of a SETA environment, and at least two years of the experience should be at management level</li> <li>• Valid Code EB drivers' licence</li> </ul>

## 4. EVALUATION CRITERIA

### 4.1 Stage 1: Pre-Qualification Criteria

#### 4.1.1 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 will be disqualified.**

- 4.1.1.1 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.
- 4.1.1.2 Individual consultants are also required to be registered on CSD in their individual capacity and proof of registration must be submitted.
- 4.1.1.3 Completed and signed Standard Bidding Documents attached to the bid.
- 4.1.1.4 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.
- 4.1.1.5 The incumbent(s) to be seconded must be registered assessors and moderators with relevant quality assurance body(ies). Proof of registration must be submitted.

#### 4.1.2 Non-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.**

- 4.1.1.6 Submit a valid Tax Clearance Certificate/ Tax Pin
- 4.1.1.7 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.

### 4.2 Stage 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 and proceed to Stage 3 of the evaluation process.



#### 4.2.1 CRITERIA

The bidder is to meet the below criteria. The criteria apply to both corporate entities and individual consultants as follows:

##### Individual consultants / sole proprietorship

- Are expected to respond to each element on the criteria tabled below and meet the minimum functionality score of 75 points in order to proceed to the next stage of evaluation.

##### Corporate entities

- Each team member will be assessed separately.
- Each team member is individually expected to achieve a minimum score of 75 points to proceed to the next stage of evaluation (skills assessment/interviews).

Criteria	Scoring	Weighted score
Covering letter indicating understanding of the scope of work for each role	<p>Covering letter clearly articulates a detailed understanding of the scope of work and is aligned to EWSETA expectations = <b>6 - 10 points</b></p> <p>Covering letter partially articulates a detailed understanding of the scope of work = <b>1 - 5 points</b></p> <p>No covering letter submitted = <b>0 points</b></p>	<b>10</b>
<p>Reference (Individual /company) letters from different clients as evidence of <b>related</b> work previously conducted and clearly denoting the team members involved in the project.</p> <p>Individual consultants may also provide reference letters of work previously done or a schedule of references that will be verified by EWSETA.</p> <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 the name of the client, title of the related work conducted, year(s) conducted and completed, contactable reference name and contact details, and be signed by the appropriate delegate. The</p>	<p>3 relevant Reference Letters attached = <b>30 points</b></p> <p>2 relevant Reference Letters attached = <b>20 points</b></p> <p>1 relevant Reference Letter attached = <b>10 points</b></p> <p>No or unsatisfactory reference letter(s) attached = <b>0 points</b></p>	<b>30</b>

Reference Letter should indicate the quality of the service rendered.		
Curriculum Vitae(s) and qualifications/professional certification of <b>each team member</b> and/or bidder accreditation.  Bidders must attach relevant certified copies of highest qualifications/certificate. Certification may not be older than 3 months. Uncertified qualification/professional certificates will not be accepted as authentic. Foreign qualifications are required to be accompanied by a SAQA evaluation certificate.	<b>Qualifications Quality Assurance &amp; Compliance Manager:</b> Honours or master's degree in social sciences = <b>30 points</b> Relevant degree in social science /Training qualification/certificate = <b>15 points</b> No or irrelevant qualification/certificate = <b>0 points</b>	<b>30</b>
<b>Experience:</b> The potential bidder must attach brief CVs and proof of registration of the team members.	<b>Experience of Quality Assurance &amp; Compliance Manager:</b> 5+ years relevant experience with quality assurance within the SETA environment = <b>30 points</b> 3-4 years of relevant experience = <b>15 points</b> Less than 3 years' experience in the seta environment = <b>0 points</b>	<b>30</b>
<b>TOTAL</b>		<b>100</b>

Each team member/individual bidder is expected to achieve a minimum score of 75 points to proceed to the next stage of evaluation.

#### 4.2.2 Skills Assessment / Interviews of Shortlisted Candidates

EWSETA may request for interviews or conduct a technical skills assessment for short-listed candidates as part of the bid evaluation process. Minimum pass rate of 75 points will be required for each candidate to be considered for Stage 3: Pricing of the evaluation process.

#### 4.3 Stage 3: Pricing and Preference Points Stage

##### 4.3.1 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 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 trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification Certificate for every separate bidder.

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.

### 4.3.2 Financial Proposal

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

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

ITEM	TEAM REQUIRED	EXPERIENCE LEVEL	QUANTITY	TOTAL COST for 6 months (Including VAT)
1.	Quality Assurance and Compliance (Consultant) Manager	Managerial	1	R

The rates MUST be all-inclusive. This means all direct and indirect related costs must be included. Note that failure to propose the rates will render the entire bid as non-responsive and will result in the bidder scoring zero out of 80 points achievable on the price criteria.

Only firm prices will be accepted. Non-firm prices (including prices subject to rates of exchange variations) will not be considered. Travel costs on EWSETA assignments will be incurred by EWSETA and not to the bidders account.

## 5. 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:

- 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.
- The EWSETA will not be liable to reimburse any costs incurred by applicants in preparing their proposals.
- 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.
- Successful bidder must undertake to abide by the confidentiality undertakings contained in the agreement to be concluded;
- 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 his written authorised delegate.
- A probation period of 90 days will apply to the agreement.
- The EWSETA undertakes to pay valid invoices in full within 30 (thirty) days if all supporting documents are submitted.
- The service level agreement will be reviewed annually upon anniversary date.
- 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.
- 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.
- In the absence of the individual a suitable replacement must be organised a week prior to the absence.
- Scheduled outages, after hours or weekends. Must be part of total costs and NOT additional cost.

## 6. 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.

## **7. SUBMISSION OF BIDS**

Bidders are required to submit their bids to the following email address:  
**scmadmin@ewseta.org.za**

## **8. CLOSING DATE OF PROPOSAL**

A comprehensive proposal together with pricing schedule must reach EWSETA by no later than **THURSDAY 29 OCTOBER 2020 not later than 13H00**. Please note that no late proposals will be considered.

## **9. TENDER VALIDITY**

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

## **10. 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)

**11. 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/RFQ/55/2020	CLOSING DATE:	29 OCTOBER 2020	CLOSING TIME:	13:00HOURS
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER OR INDEPENDENT QUALITY ASSURANCE AND COMPLIANCE MANAGER FOR A PERIOD OF 6 MONTHS				
<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	EWSETA	CONTACT PERSON	Mr. Elliot Seake
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.**

## **12. ANNEXURE 2: 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 the 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 Supplier's 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 to 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 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 that 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.

## **13. ANNEXURE 3: SBD4**



## 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 a state institution to which the person is connected ..... The 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

## 14. 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:

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:

<b>Designated Group: An EME or QSE which is at least 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 .....

.....

**15. 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**

## 16. 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 a 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. the 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.

.....  
 Signature Date

.....  
 Position Name of Bidder