

**REQUEST FOR QUOTATION**  
**FOR**  
**PROVISION OF GRAPHIC DESIGN SERVICES**



<b>Bid Number</b>	<b>EWSETA/RFQ/116/2020</b>
<b>Bid Scope</b>	<b>PROVISION OF GRAPHIC DESIGN SERVICES</b>
<b>Issue Date</b>	<b>25 March 2021</b>
<b>Compulsory briefing session</b>	<b>N/A</b>
<b>Closing Date for submission of bids</b>	<b>Tuesday 30 March 2021 @13:00hrs</b>
<b>Inquiries</b> (all inquiries should be in writing)	<b>scmadmin@ewseta.org.za</b>

## 1. Background information

The EWSETA is a statutory body established through the Skills Development Act of 1998 to facilitate skills development for Energy and Water stakeholders, through providing integrated; value-added education and training services.

The EWSETA requires the services of a **graphic design company**, whose main business of operation is graphic design (80% or more) for the design and production of the EWSETA 2020/21 Annual Report, various graphic elements that will be required for the EWSETA AGM to be held in November 2021, as well as the design of other key governance documents.

## 2. Scope of work

### Item 1 – Design of A4 Annual Report

- Preparation of 3 design concepts
- Design of A4 Annual Report comprising 160 inside pages plus 4 page cover. Factor the following into design costs:
  - Redrawing of 20 graphs
  - Redrawing of 20 tables
  - Creation of 20 infographics
  - Design of company organogram
  - Creative manipulation of Board and Executive Pictures (to create a more interesting image)

### Item 2 – Printing of A4 Annual Report

160 inside pages: Magno **Plus** Silk 150gsm

4 Page cover: Magno **Plus** Silk 350gsm

180 copies

The 160 inside pages will be divided into 7 tabbed sections. This will require crash cutting to create the 7 sections

Machine varnish throughout

Note: We would like the cover of the Annual Report hard copy to include a 'special finish' such as foiling, embossing, die-cuts, Spot Gloss, UV Varnish etc.

### Item 3 – Design of 2020/21 Performance Overview Report

The design of the A4 Annual Report document will be carried through to the overview report

Size: 21cm x 21 cm

32 inside pages

4-page cover

Creation of 10 infographics

Creation of QR code for full Annual Report

#### **Item 4 – Print of 2019/2020 Performance Overview Report**

Size: 21cm x 21cm

Quantity: 250

Inside pages: Magno **Plus** Silk 150gsm

Cover: Magno **Plus** Silk 250gsm

Machine varnish throughout

Spot UV on outside front and back covers

Note: We would like the cover of the Performance Overview Report hard copy to include a 'special finish' such as foiling, embossing, die-cuts, Spot Gloss, UV Varnish etc.

#### **Item 5 – Copy Writing and Proofreading**

Allow for an amount of **R50 000** for the purposes of copywriting and proof reading.

Please note: The EWSETA reserves the right to use a copywriter that is not associated with the agency that receives the purchase order as the copywriter is required to have experience in integrated annual report copy writing.

#### **Item 6 – Photography (Annual Report)**

2 x half-day photo shoots at EWSETA Offices in Johannesburg

Must include all costs for crew, travel, equipment, backdrops, photoshopping and editing of all images, creative direction, all edited images to be provided to client in hi res and low res on CD/DVD

#### **Item 7 – Supply of stock images**

20 x stock images

50 x vector icons for infographic purposes

#### **Item 8 - Delivery**

- Delivery of specified copies of A4 document and Disc to Parliament, Cape Town by no later than 30 August 2021. The courier waybill will be required as proof of delivery for auditing purposes.
- Delivery of specified copies of A4 document and Disc to DHET, National Treasury and AGSA (all situated in Pretoria) by no later than 30 August 2021. The courier waybill will be required as proof of delivery for auditing purposes.
- Delivery of balance of A4 document and performance overview report to EWSETA in Johannesburg

### **Item 9 – AGM design elements required**

- Name tag template
- A4 programme
- PowerPoint template that copies the look and feel created for Annual Report Design (PP Master template to include Title Page, divider pages x 4 different, follow on pages)
- Design, format and animation of 80 PowerPoint slides from different sources into one consolidated presentation
- Develop 4 x animated maps of South Africa for use in PP presentation
- Electronic invitation (HTML)
- Website Banner
- e-mail banner
- Social media banner for FaceBook and Linked In
- Social media tiles x 4
- Four electronic newsletter e-mailers (content to be provided)
- Electronic Aide Memoire
- Newspaper advertisement (20cm x 20cm)
- 20 infographics

Note: The designer of the PowerPoint presentation will be required on site at the AGM in November to assist with any last-minute changes or technical challenges with the presentation.

### **Item 10 – AGM Photographer**

1 x 6-hour photo shoot in Johannesburg

Must include all costs for crew, travel, equipment, backdrops, photoshopping and editing of all images, creative direction, all edited images to be provided to client in hi res and low res on CD/DVD

### **Item 11 – Strategic Plan**

Design of 80-page Strategic Plan

### **Item 12 – Annual Performance Plan**

Design of 140-page Annual Performance Plan

### **Item 13 – Sector Skills Plan**

Design of 100-page Sector Skills Plan

Note: Design of Items 11 – 13 to have same design look and feel with different cover page and design element interpretations to differentiate them but still “connects” all of them as a set

### 3. Evaluation Process

#### 3.1 Stage 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 may be disqualified.

- 3.1.1** 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 and their tax compliance status will be verified through the CSD.
- 3.1.2** A prospective bidder 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.
- 3.1.3** Completed and signed Standard Bidding Documents attached to the bid. In case of a Joint Venture, a written agreement between the parties which must clearly set out the roles and responsibilities of each member.
- 3.1.4** 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).
- 3.1.5** Only B-BBEE verification Agency accredited by South African National Accreditation System (SANAS) must respond. Bidders are required to submit proof of such accreditation.

#### 3.2 Stage 2 – Functional /Technical evaluation

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%, for Functionality in order to qualify to proceed to Stage 3.

CRITERIA	GUIDE ON THE ALLOCATION OF POINTS	MAXIMUM POINTS TO BE AWARDED
<b>Brief Company Profile</b>	10+ years' experience in graphic design services = 10 points 5 to 10 years' experience in graphic design services = 6 points Up to 5 years' experience in graphic design services = 3 points	10
<b>CV of Creative Director</b>  Please only supply CV of Creative Director	15+ years' experience in graphic design = 10 points 6 to 14 years' experience in graphic design = 6 points	10

	Up to 6 years' experience in graphic design = 3 points	
<b>PDFs of two public entity Annual Reports designed in last three years, plus a contactable reference for each Annual Report</b>  <b>Please only supply 2</b>	If two (2) Annual Reports are submitted: 4 points for submission of reports Score out of 16 for design ability  If one (1) Annual Report submitted: 2 points for submission of report Score out of 8 for design ability  No points if no Annual Reports submitted	20
<b>PDFs of two SETA Sector Skills Plans (SSPs) designed in last three years, plus a contactable reference for each SSP presented</b>  <b>Please only supply 2</b>	If two (2) SSPs are submitted: 4 points for submission of SSPs Score out of 16 for design ability  If one (1) SSP is submitted: 2 points for submission of SSP Score out of 8 for design ability  No points if no SSPs submitted	20
<b>PDFs of two Annual Performance Plans (APPs) designed in last three years, plus a contactable reference for APP presented</b>  <b>Please only supply 2</b>	If two (2) APPs are submitted: 4 points for submission of APPs Score out of 16 for design ability  If one (1) APP is submitted: 2 points for submission of APP Score out of 8 for design ability  No points if no APPs submitted	20
<b>Supply of an animated PowerPoint presentation where the template was an original design. File to be supplied as the original presentation and not as a PDF</b>	The PowerPoint presentation will be assessed for design quality and awarded a score out of 10	10
<b>Three references for graphic design work undertaken no older than 24 months (reference must be dated and signed).</b>	Supply of three references no older than 24 months for graphic design work = 10 points Supply of two references no older than 24 months for graphic design work = 6 points Supply of one reference no older than 24 months for graphic design work = 3 points	10
<b>Total</b>		<b>100</b>

Bidders who fail to meet the minimum score of 75% in Stage 1 shall not be considered for evaluation in terms of Stage 3 (Price and preference points).

### 3.3 Stage 2: Pricing Stage

- For orders above R30, 000 bids will be evaluated for Price in terms of the 80/20 preference point system, where 80 points will be for Price and 20 points will be for the organization's B-BBEE status.
- 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

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

The points for the bidder's status will be awarded as per the company's B-BBEE status level of contribution in accordance with the table below and the BEE rating certificate accredited by SANAS for the bidder's company:

#### 4. Financial Proposal

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

##### Annexure B: Fees schedule

Item	Cost
Item 1 – Design of A4 Annual Report	R
Item 2 – Printing of A4 Annual Report	
Item 3 – Design of 2020/21 Performance Overview Report	
Item 4 – Print of 2019/2020 Performance Overview Report	
Item 5 – Copy Writing and Proofreading	
Item 6 – Photography (Annual Report)	
Item 7 – Supply of stock images	
Item 8 - Delivery	
Item 9 – AGM design elements required	
Item 10 – AGM Photographer	
Item 11 – Strategic Plan	
Item 12 – Annual Performance Plan	
Item 13 – Sector Skills Plan	
<b>Subtotal</b>	<b>R</b>
<b>Vat</b>	<b>R</b>
<b>Total Amount inclusive of VAT</b>	<b>R</b>

COMPANY NAME: \_\_\_\_\_

SIGNATURE OF BIDDER: \_\_\_\_\_

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

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



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

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

A bidder will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract;

A bidder awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract;

## **5. Submission of Bids**

Bidders are required to submit their bids to EWSETA via the following email:

[scmadmin@ewseta.org.za](mailto:scmadmin@ewseta.org.za)

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 have been made; otherwise, the bidder may be disqualified.

## **6. Closing Date of Proposal**

Bids must reach EWSETA **by no later than Tuesday, 30 March 2021, before 13H00. Please note that no late proposals will be considered.**

## **7. Tender validity**

This RFQ shall be valid for **30** days calculated from Bid closing date.

## **8. 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)

**The following particulars must be furnished**

**Information of the Bidder**

Name of bidder	
Registration number	
VAT registration number	
Contact person	
Telephone number	
Cell number	
E-mail address	
Postal address	
Physical address	

I certify that the information furnished on this form is true and correct.

I further accept that, in addition to cancellation of a contract, action may be taken against me should this declaration prove to be false.

\_\_\_\_\_  
Name of bidder (duly authorised)

\_\_\_\_\_  
Signature of bidder

\_\_\_\_\_  
Date

\_\_\_\_\_  
Capacity under which this RFQ is signed

## **EWSETA GENERAL CONDITIONS OF PURCHASE**

### **General**

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

### **Conditions**

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

### **Price and payment**

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

### **Delivery and documents**

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

### **Where items are to be delivered the Supplier:**

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

### **Containers / packing material**

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

### **Title and risk**

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

### **Rejection**

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

In the case of items delivered, EWSETA may return the rejected items to the Supplier at the Supplier's risk and expense. Any money paid to the Supplier in respect of the items not

replaced within the time required, together with the costs of returning rejected items to the Supplier and obtaining replacement items from a third party, are paid by the Supplier to EWSETA.

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

### **Warranty**

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

### **Indemnity**

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

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

### **Assignment and sub-contracting**

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

### **Termination**

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

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

### **Governing law**

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

**DECLARATION OF INTEREST**

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

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

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

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

2.2 Identity Number:  
.....

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

2.4 Company Registration Number:  
.....

2.5 Tax Reference Number:  
.....

2.6 VAT Registration Number:  
.....

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

<sup>1</sup>“State” means –

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

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

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

2.7.1 If so, furnish the following particulars:

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

.....

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

.....

Position occupied in the state institution:

.....

Any other particulars:

.....

.....

.....

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

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

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

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

.....

.....

.....

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

2.8.1 If so, furnish particulars:

.....

.....

.....

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

2.9.1 If so, furnish particulars.

.....

.....

.....

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

**YES/NO**

2.10.1 If so, furnish particulars.

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

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

**YES/NO**

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

## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
  - a. abused the institution's supply chain management system;
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<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>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.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		



4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

**CERTIFICATION**

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

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

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Standard Bidding Document (SBD) must form part of all 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.
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