# REQUEST FOR QUOTATION (RFQ)

<table>
<thead>
<tr>
<th>To:</th>
<th>From:</th>
<th>Tel:</th>
<th>Date:</th>
<th>e-mail:</th>
<th>Attention:</th>
<th>Subject:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>To be completed by the supplier</strong></td>
<td>Constance Monkwe&lt;br&gt;Supply Chain Management&lt;br&gt;PRASA HOUSE&lt;br&gt;1&lt;sup&gt;st&lt;/sup&gt; Floor&lt;br&gt;1040 Burnett Street&lt;br&gt;Hatfield</td>
<td>Cell</td>
<td>22 November 2019</td>
<td>e-mail: <a href="mailto:llufundo@prasa.com">llufundo@prasa.com</a></td>
<td>RFQ Ref No: HO/FIN/073/11/2019</td>
<td>THE PROVISION OF CASEWARE SOFTWARE TOOL LICENSE FOR THE REPARATIONS OF ANNUAL FINANCIAL STATEMENTS FOR A PERIOD OF TWO (2) YEARS</td>
</tr>
</tbody>
</table>

A quotation(s) **MUST** be emailed to cmontke@prasa.com by **28 November 2019 at 14h00**. Quotation(s) must be addressed to PRASA SCM HEAD OFFICE before or on the closing date and time shown above.

**SUPPLIER TO NOTE:**

A) PRASA CONDITIONS OF PURCHASE WILL APPLY

B) LATE / INCOMPLETE QUOTATIONS WILL NOT BE CONSIDERED

## Executive Summary

PRASA’s Finance Department requires a reporting tool to help with preparation of the annual financial Statements. The annual financial statements which involves consolidation of (5) Five business units and two (2) subsidiaries are currently being prepared in excel which makes the data unreliable as it is susceptible to error due to the high volume of transactions involved. The finance department has identified CASEWARE as the most suitable financial reporting tool for preparation of annual financial statements.

The mentioned financial information is required by the GRAP accounting and standards and it is relevant legislation from Prasa as financial reporting on performance of the company.

## Scope of work

A successful bidder will need to do the following:

- Provide CASEWARE activation product keys for the software solution to operate.
- Provide technical support for the CASEWARE software related problems.
- Provide documentation and guidelines for installation / usage of the CASEWARE software.
- Communicate any CASEWARE software updates and releases for the future.
- Provide CASEWARE software roadmap and indicate any minimum hardware requirements for compatibility.
- Provide a two years quotation for annual software licenses renewal.
BILL OF QUANTITIES

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>Est. Qty</th>
<th>Unit of Measure</th>
<th>Unit Price (Excl. VAT)</th>
<th>Total PRICE (Incl. VAT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Case Ware Working papers (include Connector) – First Year (Number of licenses)</td>
<td>4</td>
<td>Each</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>GRAP Template for Public Entities – First Year</td>
<td>1</td>
<td>Each</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Case Ware Specialist Support: PS-Implementation (per hour)</td>
<td>40</td>
<td>Hourly</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Travelling cost per kilometer Specialist Support</td>
<td>620</td>
<td>R/Km</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Software Distribution Fee Case Ware</td>
<td>1</td>
<td>Each</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Onsite training for four people</td>
<td>4</td>
<td>Each</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Three years annual software license</td>
<td>1</td>
<td>Per annum</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

EVALUATION CRITERIA

The evaluation of Quotations is to determine whether the Bidder is capable of delivering the Goods/Services and works. Bidders will be evaluated according to the following Evaluation Criteria:

Stage 1 – Adherence to Compliance checklist requirements

NB: Compliance Checklist Requirements for all Services/Goods and works

If you do not submit the following documents your Proposal/Quote will be disqualified automatically:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description of requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>Completion of ALL RFQ documentation (includes ALL declarations and Commissioner of Oath signatures required)</td>
</tr>
<tr>
<td>b)</td>
<td>CSD supplier registration number</td>
</tr>
<tr>
<td>c)</td>
<td>Bidders to provide a proposal on how the software related problems can be logged as part of the annual subscription:</td>
</tr>
<tr>
<td></td>
<td>- Provide telephone numbers for call logging process for software related problems.</td>
</tr>
<tr>
<td></td>
<td>- Ability to log and track support calls.</td>
</tr>
<tr>
<td></td>
<td>- Quick resolution of faults and queries related to the software solution.</td>
</tr>
<tr>
<td></td>
<td>- Escalation process with contact numbers for escalations.</td>
</tr>
<tr>
<td>d)</td>
<td>The bidding company MUST be certified partners by Original Equipment Manufacturer (OEM) for CASEWARE software and support required by PRASA. Evidence in the form of a signed and valid partnership letter must be submitted with the quotation or OEM letter.</td>
</tr>
</tbody>
</table>
Attach reference letters from at least three clients where you have done similar work (CASEWARE support and training). Evidence in the form of a signed letters from the clients must be submitted with the quotation.

If you do not submit the following documents your bid will be considered non-compliant and these documents must be made available should an award be made:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description of requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>A valid and Original Tax Clearance Certificate (valid as at the closing date of this RFQ)</td>
</tr>
<tr>
<td>b)</td>
<td>Original or certified B-BBEE certificate</td>
</tr>
<tr>
<td>c)</td>
<td>Proof of Registration, Certificate of Incorporation or CK1</td>
</tr>
<tr>
<td>d)</td>
<td>Certificate of Change of Name or CK2 (if applicable)</td>
</tr>
<tr>
<td>e)</td>
<td>Joint Venture / Consortium agreement / Trust Deed (if applicable)</td>
</tr>
</tbody>
</table>

**Stage 2 – Price and B-BBEE**

<table>
<thead>
<tr>
<th>Evaluation criteria</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>BBBEE</td>
<td>20</td>
</tr>
<tr>
<td>Price</td>
<td>80</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Price Evaluation:** The evaluation for price will be done based on the following formula:

\[
Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}}\right)
\]

*Where*
- \(PS = \) Points scored for price of tender under consideration
- \(Pt = \) Rand value of offer tender consideration
- \(P_{min} = \) Rand value of lowest acceptable tender

**B-BBEE Evaluation:** A bidder must submit proof of its B-BBEE status level contributor, 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 and will score 0 points out of 20 for B-BBEE.

<table>
<thead>
<tr>
<th>B-BBEE Status Level of Contributor</th>
<th>Number of Points</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>20</td>
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<tr>
<td>2</td>
<td>18</td>
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<td>3</td>
<td>14</td>
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<td>4</td>
<td>12</td>
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<td>5</td>
<td>8</td>
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<td>6</td>
<td>6</td>
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<tr>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Non-compliant contributor</td>
<td>0</td>
</tr>
</tbody>
</table>
**DELIVERY PERIOD:** Suppliers are requested to offer their earliest delivery period possible.

Delivery will be effected within ............ working days from date of order. (To be completed by Service provider)

**VALIDITY PERIOD:** PRASA desires a validity period up to **30 days** against this Quotation. It should be noted that suppliers may offer an earlier validity period, but that their quotation may in that event, be disregarded for this reason.

This Quotation is valid until .................................................. (To be completed by Supplier)

**YOUR REFERENCE:** ..........................................................

**PAYMENT:**
Payment will be made upon completion of the works within 30 day from date of receipt of a correct tax invoice.

**NOTE:**
Non-submission of information which will be scored on functionality will lose points on functionality

Non-submission of certificate which will be scored on B-BBEE will lose points on Price and B-BBEE

Name and Address of Supplier:

................................................................................................. Tel no.: ..............................................................
................................................................................................. Fax no.: ..............................................................
................................................................................................. Contact signature:..................................................

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**SUPPLY CHAIN MANAGEMENT**

Email: lufundo@prasa.com
PRASA GENERAL CONDITIONS OF PURCHASE

General
PRASA 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 PRASA 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 PRASA. No servant or agent of PRASA 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 PRASA 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. PRASA 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 PRASA 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 PRASA 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 PRASA when accepted by PRASA.
**Rejection**
If the Supplier fails to comply with his obligations under the order/contract, PRASA 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, PRASA 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 PRASA.

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

**Warranty**
Without prejudice to any other rights of PRASA under these conditions, the Supplier warrants that the items are in accordance with PRASA’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 PRASA.

**Indemnity**
The Supplier indemnifies PRASA 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 PRASA 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 PRASA.

**Assignment and subcontracting**
The Supplier may not assign or subcontract any part of this order/contract without the written consent of PRASA.

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

If the Supplier defaults in due performance of the order/contract, or if the Supplier becomes bankrupt or otherwise is, in the opinion of PRASA, 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.
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 presently employed by the state? YES / NO

2.7.1 If so, furnish the following particulars:

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

Name of state institution to which the person is connected: ..................................................

Position occupied in the state institution: ............................................................................
2.8 Did you or your spouse, or any of the company’s directors shareholders / members or their spouses conduct business with the state in the previous twelve months?  

YES / NO

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

……………………………………

SIGNATURE

…………………………………

DATE

……………………………………

POSITION

……………………………………

NAME OF BIDDE
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.


1.1 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. 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.

2.2 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:

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

Where

\( P_s \) = Points scored for price of bid under consideration

\( P_t \) = Price of bid under consideration

\( P_{\text{min}} \) = 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:

<table>
<thead>
<tr>
<th>B-BBEE Status Level of Contributor</th>
<th>Number of points (80/20 system)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>18</td>
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<tr>
<td>3</td>
<td>14</td>
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<td>4</td>
<td>12</td>
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<td>5</td>
<td>8</td>
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<td>6</td>
<td>6</td>
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<tr>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Non-compliant contributor</td>
<td>0</td>
</tr>
</tbody>
</table>
6. **BID DECLARATION**

6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

**B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 4.1 AND 5.1**

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)

7. **SUB-CONTRACTING**

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

*(Tick applicable box)*

| YES | NO |

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted........................................%  
ii) The name of the sub-contractor..............................................................................  
iii) The B-BBEE status level of the sub-contractor.........................................................  
v) Whether the sub-contractor is an EME or QSE

*(Tick applicable box)*

| YES | NO |

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

<table>
<thead>
<tr>
<th>Designated Group: An EME or QSE which is at last 51% owned by:</th>
<th>EME</th>
<th>QSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black people</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people who are youth</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people who are women</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people with disabilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people living in rural or underdeveloped areas or townships</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooperative owned by black people</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people who are military veterans</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any EME</td>
<td></td>
<td></td>
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<tr>
<td>Any QSE</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.......................................................................................................................... 

8.2 VAT registration number:.......................................................................................................................... 

8.3 Company registration number:................................................................................................................. 

8.4 TYPE OF COMPANY/ FIRM

☐ Partnership/Joint Venture / Consortium
☐ One person business/sole propriety
☐ Close corporation
☐ Company
☐ (Pty) Limited
[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

COMPANY CLASSIFICATION

☐ Manufacturer
☐ Supplier
☐ Professional service provider
☐ Other service providers, e.g. transporter, etc.
[TICK APPLICABLE BOX]

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

8.7 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.

<table>
<thead>
<tr>
<th>WITNESSES</th>
<th>SIGNATURE(S) OF BIDDERS(S)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
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<tr>
<td>2.</td>
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<td></td>
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</tr>
</tbody>
</table>

DATE: ..................................................

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

<table>
<thead>
<tr>
<th>Item</th>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>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?</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(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 <em>audi alteram partem</em> rule was applied).</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

*The Database of Restricted Suppliers now resides on the National Treasury’s website ([www.treasury.gov.za](http://www.treasury.gov.za)) and can be accessed by clicking on its link at the bottom of the home page.*

<table>
<thead>
<tr>
<th>4.1.1</th>
<th>If so, furnish particulars:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4.2</td>
<td>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)? <em>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.</em></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4.2.1</td>
<td>If so, furnish particulars:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.3</td>
<td>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?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4.3.1</td>
<td>If so, furnish particulars:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.4</td>
<td>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?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4.4.1</td>
<td>If so, furnish particulars:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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
COMMISSIONER OF OATHS

I certify that the above has acknowledged that he/she knows and understands the contents of this document, that he/she does not have any objection to taking the oath, and that he/she considers it to be binding on his/her conscience, and which was sworn to and signed before me at _________________ on this the _______ day of _____________ 20___, and that the administering oath complied with the regulations contained in Government Gazette No. R 1258 of 21 July 1972, as amended.

_________________________________ (Sign – SERVICE PROVIDER)

_________________________________ (Name – SERVICE PROVIDER)
CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.

2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *per se* prohibition meaning that it cannot be justified under any grounds.

3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
   a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution’s supply chain management system and or committed fraud or any other improper conduct in relation to such system.
   b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.

4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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

I, the undersigned, in submitting the accompanying bid:

________________________________________________________________________

(Bid Number and Description)

in response to the invitation for the bid made by:

______________________________________________________________________________

(Name of Institution)

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

I certify, on behalf of:__________________________________________________________that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word “competitor” shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

   (a) has been requested to submit a bid in response to this bid invitation;
   (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
   (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
   (a) prices;
   (b) geographical area where product or service will be rendered (market allocation)
   (c) methods, factors or formulas used to calculate prices;
   (d) the intention or decision to submit or not to submit, a bid;
   (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
   (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

................................................................. .................................................................
Signature Date

................................................................. .................................................................
Position Name of Bidder