TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR AN SMS MESSAGING GATEWAY SERVICE FOR A PERIOD OF 36 MONTHS

RFP/2019 – 48

CLOSING DATE: 26 SEPTEMBER 2019

Bidder Name:______________________________________

Contact Details:____________________________________

B-BBEE Status Level Contribution:______________________

B-BBEE Expiry Date:_________________________________
1. **Assignment**: The National Lotteries Commission (NLC) requires suitable service providers to submit proposals for the provision of SMS Messaging Gateway Service

2. **Name of the responsible office**: ICT Division

3. **Address for submitting proposals & other correspondence**
   
   Attention: The Supply Chain Manager  
   National Lotteries Commission  
   333 Grosvenor Street, Block D Hatfield Gardens, Hatfield  
   Telephone: 012-432 1470  
   Enquiries Email: [TOR1@nlcsa.org.za](mailto:TOR1@nlcsa.org.za) for attention Ms Maureen Senyatsi

4. **Closing date & time for submission of bid proposals**: 26 September 2019 @ 11H00

5. **Compulsory briefing session**: N/A

6. **Bid description**: Appointment of Service Provider for an SMS Messaging Gateway Service for a period of 36 months

7. **RFP Number**: RFP/2019 - 48
1. GENERAL / BACKGROUND

The National Lotteries Commission (NLC), is a public entity established by Lotteries Act No. 57 of 1997 as amended to regulate the South African lotteries industry. The functions of the Commission can be divided into two categories, namely “regulation of National Lottery and other Lotteries” and “administration of the National Lottery Distribution Trust Fund (NLDTF)”.

As a public entity, the NLC subscribes to the provisions of the currents statutes, policies and regulation relating to cleanliness and healthy environment in the buildings occupied.

The primary purpose of the SMS Messaging Gateway service is to enable the NLC to transact in outbound SMS messages to a wide range of recipients. The secondary purpose of the Messaging Gateway is to transact in inbound SMS messages by means of SMS shortcodes.

2. PURPOSE

The purpose of the terms of reference (TOR) is to appoint a suitably qualified and experienced bidder to provide an SMS Messaging Gateway service.

3. OBJECTIVES

The primary objective of this TOR is to appoint a suitably qualified and experienced bidder to provide SMS Messaging Gateway service that will include supply, delivery, installation, NLC Head Office.
4. **SCOPE OF WORK**

The work to be undertaken in order to deliver a functional service to the NLC incorporates the following project activities:

a. Prepare of a solution proposal that addresses and meets the NLC requirements.

b. Integration of the proposed solution and the NLC’s infrastructure.

c. Training to designated NLC end user personnel required to transact SMS messages.

d. Training to designated NLC ICT technical personnel required to provide 1st level support to NLC end users.

e. Prepare an SLA for a period of 36 months that at a minimum covers the following aspects:
   - Turn-around times to address and resolve trouble tickets logged with the Service provider.
   - Definition of roles and responsibilities between the NLC and the Service provider.
   - Definition of the trouble ticket escalation procedure
   - General terms and conditions of the SLA agreement.

5. **DURATION OF APPOINTMENT**

The envisaged services and associated SLA duration are to be rendered for a period of 36 months from the date of formal appointment.

6. **PAYMENT TERMS**

The NLC undertakes to pay valid tax invoices in full within thirty (30) days of receipt of invoice after rendering of the required service.
7. **VALIDITY**

A Proposal shall remain valid for thirty (30) days after the closing date of the submission for proposals. A Proposal which is valid for a shorter period may be rejected by the NLC for non-responsiveness.

In exceptional circumstances, the NLC may solicit the bidder’s consent to an extension of the period of the validity of the bid. The request and responses thereto shall be made in writing. A bidder that has been granted the request will neither be required nor permitted to modify the Proposal.

8. **COMPULSORY INFORMATION SESSION**

There is no compulsory briefing session for this bid.

9. **EVALUATION METHODOLOGY**

**Project Solution Cost Framework**

i. Provide a fixed price quotation for the fixed term services

ii. Stipulate, where applicable, pricing structure for the following SMS transactions used for:

a. In-Bundle outbound fees per SMS.

b. Out-of-Bundle inbound fees per SMS.

iii. Provide the following Shortcode services for inbound SMS transactions:

a. One standard rated NLC dedicated Shortcode.

b. One zero rated NLC dedicated Shortcode.

c. One zero rated NLC dedicated USSD code.

iv. Stipulate call-out fees for SLA support once the monthly support allocation is depleted.

v. Costs must be VAT inclusive and quoted in South African Rand.
vi. Submit a technology architecture block diagram in outlining NLC to Service Provider network peering point(s) layout and location of hosting of the Service Provider’s core SMS gateway infrastructure.

10. REQUIREMENTS

This section defines the description for the SMS Messaging Gateway platform.

<table>
<thead>
<tr>
<th>Functionality/Features</th>
<th>Comply</th>
<th>Do not Comply</th>
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<tbody>
<tr>
<td><strong>1. General System Properties:</strong></td>
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<tr>
<td>a) The core of the SMS Messaging Gateway is hosted on the service provider’s infrastructure and data network.</td>
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<tr>
<td>b) The solution comprises of an SMS Messaging Gateway web portal to facilitate origination and reception of SMS messages.</td>
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<tr>
<td>c) The SMS Messaging Gateway portal is compatible and accessible by means of the established web browser applications such as MS Explorer, MS Edge, Google Chrome, Firefox and similar mobile application versions.</td>
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<tr>
<td>d) The proposed portal must allow for:</td>
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<tr>
<td>1. One master account that facilitates the management of the collective SMS credits.</td>
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<tr>
<td>2. Multiple Subaccounts, each with its own login credentials</td>
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<tr>
<td>3. Multi session user account logins to conduct</td>
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</table>
generic SMS transactions.

i. Two (2) SMPP account profiles

ii. Five (5) web portal account profiles

iii. One (1) SMTP account profile

4. One Super/Master user account for overall gateway platform system administration.

<table>
<thead>
<tr>
<th>2. Messaging Gateway Protocols</th>
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<tbody>
<tr>
<td>The SMS Messaging Gateway must at a minimum make provision for the following listed APIs to enable transaction of SMSs:</td>
</tr>
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</table>

2.1. SMPP  
2.2. SMTP  
2.3. REST  
2.4. HTTP for the Web portal  

<table>
<thead>
<tr>
<th>3. USSD Functionality and Features</th>
</tr>
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<tbody>
<tr>
<td>3.1. Two (2) dedicated shortcode numbers.</td>
</tr>
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</table>

3.2. Provide a network level integration diagram between NLC systems and the bidders SMS platform.  

<table>
<thead>
<tr>
<th>4. Reporting Capabilities</th>
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<tbody>
<tr>
<td>4.1. Proposed SMS platform must support generation of</td>
</tr>
</tbody>
</table>
the following periodic reports:

4.1.1. Daily.
4.1.2. Weekly.
4.1.3. Monthly.
4.1.4. Custom defined period (variable start and end dates).

4.2. Platform must support following report generation metrics:

4.2.1. Breakdown per NLC user account profiles.
4.2.2. Breakdown per recipient grouping profiles
4.2.3. Breakdown per message “send” and “receive” success status in terms of Delivery Reports.

5. SMS Bundle Packaging

5.1. Fixed term outbound in-bundle fee per SMS.
5.2. Fixed term outbound out-of-bundle fee per SMS.
5.3. Fixed term inbounds in-bundle fee per shortcode SMSs.
5.4. Fixed term inbounds in-bundle fee per shortcode SMSs.

6. SMS Monthly Volumes

6.1. Monthly outbound SMSs = 25,000.
6.2. Monthly inbound shortcode messages = 5,000.
7. **Specific SLA deliverables:**

7.1. **Technical Support**

- Duration 24 months.
- Telephonic support.
- Email support.

7.2. **Software Upgrades**

- Free software version upgrades during period of SLA.
- Provide technical support with integration of NLC developed software code into the Messaging Gateway.

7.3. **Reporting and Business Intelligence Gathering**

- Generation of monthly and quarterly Management and Operational reports.
- Communication strategy focused analysis, observations and recommendations.
- Overall analysis of campaign statistics.
- Systems operational performance focused analysis, observations and recommendations.

7.4. Monthly SLA On-Site support required: 6 hours.

8. **Accreditations:**

8.1. Type of WASPA membership:

- WASPA full membership.
• WASPA affiliate membership

9. API Implementation Support:

• Provide access to NLC technical staff to manuals to develop API scripts for purposes to integrate its systems to the bidders gateway platform

• Provide support to the NLC on integrating selected NLC systems to the bidders SMS gateway platform.

10. Training:

▪ Onsite hand-over training to a maximum of 3 NLC personnel.

▪ Training duration of no less than 2 business hours and not more than 4 business hours.

11. EVALUATION CRITERIA

The NLC will evaluate all proposals in terms of the Preferential Procurement Policy Framework Act. No. 5 of 2000 (PPPFA). A 3 phase evaluation criteria will be considered in evaluating the bid, being:

**Phase 1: Pre-Qualification Criteria (Mandatory Requirements)**

• Original signed standard bidding documents (SBD Forms). It is required that the bidder provide correct information and declaration (where possible) in the SBD Forms.

• In the event of the bidder being in a joint venture, joint venture agreement must be submitted (where applicable).

• Bidders must be a QSE or an EME

• Bidder registration certificates (CK).

• Bidders must have a minimum B-BBEE status level of contributor of 1.
Phase 2: Functional/technical Evaluation

Only bidders that have met the pre-qualification criteria will be evaluated for functional evaluation. In this phase the evaluation will be based on the bidders’ responses in respect of the bid proposal (evaluated on the minimum functional specifications). Prospective bidders who score a minimum of 70 points or more will be considered for the next phase 3 (Price and BBBEE status level contributor).

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>WEIGHT</th>
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<tbody>
<tr>
<td><strong>Company Experience</strong></td>
<td></td>
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<tr>
<td>The bidder is required to provide three (3) contactable client references where its services can be verified. References should be presented in a form of a written letter on an official letterhead from clients where similar services have been provided and may not be longer than two (2) years. No appointment letters from clients will be accepted as reference letters.</td>
<td>30</td>
</tr>
<tr>
<td><strong>Members Experience</strong></td>
<td></td>
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<tr>
<td>Provide the technical and professional skills of the bidder.</td>
<td>20</td>
</tr>
<tr>
<td><strong>Project Plan / Methodology</strong></td>
<td></td>
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<tr>
<td>The service is required to provide a detailed plan depicting how the services will be delivered to the NLC. The responsiveness to the Terms of Reference (ToR), the level of detail in the proposal, attention to project management and innovative approaches and ideas.</td>
<td>25</td>
</tr>
<tr>
<td>• Service providers to indicate what procedure is going to be used to execute the service or project.</td>
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<tr>
<td>• Provide an Implementation Project plan with final outputs and identified timeframes.</td>
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</table>
### Service Level Agreement

Outline the framework on which the NLC will receive support and assistance in addressing:

1. Fault resolution time frames from time of formal logging of ticket with the bidder.
2. Development of an NLC SMS in Contact stakeholder engagement plan with the intent to maximise utilisation of outgoing SMS bundles as well as the inbound shortcode capabilities.
3. Monthly account management review sessions focusing on the quality of the service rendered by the bidder and reporting of overall performance of the same service.

| Total | 100% |

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**Phase 3: The 80/20 Principle based on Price and B-BBEE status level contributor.**

*Points will be awarded to a bidder for attaining the B-BBEE status level of contributor 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>
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<tbody>
<tr>
<td>1</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>18</td>
</tr>
<tr>
<td>3</td>
<td>14</td>
</tr>
<tr>
<td>4</td>
<td>12</td>
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<td>5</td>
<td>10</td>
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<td>6</td>
<td>8</td>
</tr>
<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>
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</table>
12. GENERAL GUIDELINES

12.1 Submission Instruction

The bid should be hand delivered to the address specified below in two (2) sets each. One original plus one (1) copy of the technical proposal and one original plus one (1) copy of the financial proposal and electronic copy with both technical and financial proposals should be clearly marked:

“APPOINTMENT OF A SERVICE PROVIDER FOR AN SMS MESSAGING GATEWAY SERVICE: RFP/2019 - 048”

Please note that the Technical and Financial proposals should be submitted in two (2) separate sealed envelopes.

The submission of proposals should be as follows:

<table>
<thead>
<tr>
<th>Technical</th>
<th>Financial</th>
</tr>
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<tbody>
<tr>
<td>One (1) original</td>
<td>One (1) original</td>
</tr>
<tr>
<td>One (1) copy</td>
<td>One (1) copy</td>
</tr>
<tr>
<td>One (1) electronic copy (CD) for both technical and financial</td>
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<tr>
<td>Total submission of copies including original &amp; CD = five (5)</td>
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</table>

Bidders are requested to indicate on the cover of each document whether it is the original document or a copy.

Take note of the following:

- No costs have been prescribed for the Bidding Document;
- All proposals must be costed in South African Rand, inclusive of VAT;
- If the bid does not include all the information required, or is incomplete, this will mean non-compliance and therefore invalidate the bid;
- Any submission received after the deadline will not be considered; and
12.2 Late bids

Bids received late shall not be considered. A bid will be considered late if it arrived one second after 11:00 am or any time thereafter. The tender (bid) box shall be locked at exactly 11:00 am and bids arriving late will not be considered under any circumstances. Bidders are therefore strongly advised to ensure that bids are dispatched allowing enough time for any unforeseen events that may delay the delivery of the bid.

The official Telkom time (Dial 1026) will be used to verify the exact closing time.

12.3 Costs to be borne by bidders

All costs and expenses incurred by the bidders in any way associated with the development, preparation and submission of responses and providing any additional information required by the NLC, will be borne entirely and exclusively by the bidders.

12.4 No legal relationship

No binding legal relationship will exist between any of the bidders and the NLC until the execution of a signed contractual Service Level Agreement (SLA). The TOR document will not form part of any such contract or arrangement.

12.5 Evaluation of offers

Each bidder acknowledges and accepts that the NLC may, at its absolute discretion, apply selection criteria specified in this document for the evaluation of proposals for short listing/ selecting the eligible bidder(s).
12.6 Format of your proposal

The proposal should be presented in two sections i.e. Technical Proposal and Financial Proposal.

12.6.1 Technical proposal format

Bidders are at liberty to structure their Proposals according to any format, as long as it covers all areas specified in this document. The Technical proposals will be evaluated against the criteria detailed below.

12.6.2 Technical approach

The bidders should adhere to the TOR by elaborating on the services required and demonstrating whether the proposed process meets the requirements.

The bidder should demonstrate adherence to the TOR by elaborating on the services required and demonstrating whether the proposed process meets the requirements.

Bidders must, at a minimum, cover the under-mentioned in their technical approach and return as part of their submission:

a) How they propose to carry out the requirements to achieve the outcomes identified in the terms of reference including any possible problems that might hinder delivery and how they will avoid, or overcome, such problems.

b) The position(s) involved in the direct delivery of the service to be provided and in the overall management of the work and the names of the people who will fill these positions. Provide information in a table format e.g.:

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Duties/activities</th>
<th>Turnaround time to complete task</th>
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</table>
13. Disclosures

13.1 It is understood and agreed that the successful service provider shall, during and after the effective period of the contract, treat the project as confidential and not divulge, unless authorised in writing by NLC, any information obtained in the course of the performance of the contract.

13.2 The bidder must disclose:

a) If they are or have been the subject of any proceedings or other arrangements relating to bankruptcy/insolvency.

b) If they have been convicted of, or are the subject of any proceedings, relating to:
   - A criminal offence or other offence, involving the activities of a criminal nature in its organisation or found by any regulator or professional body to have committed professional misconduct.
   - Corruption, including the offer or receipt of any inducement of any kind in relation to obtaining any contract with any contracting authority.
   - Failure to fulfil any obligation in any jurisdiction relating to the payment of taxes and other legal obligations.

c) If a bidder or related company or any individual discloses details of any previous misconduct or complaint, the NLC will seek an explanation and background details from them. At the sole discretion of the NLC, an assessment as to whether the bidder will be allowed to continue to the next phase of the evaluation phase will then be made.

d) Disclosure extends to any company in the same group of the bidder, including but not limited to parent, subsidiary and sister companies, companies with common shareholders (whether direct or indirect) and parties with whom the bidder is associated in respect of this tender.
14. **Disclaimer**

The NLC reserves the right not to appoint a service provider.

The NLC also reserves the right to:

a) Award the contract or any part thereof to one or more service providers;

b) Reject all bids;

c) Decline to consider any bids that do not conform to any aspect of the bidding requirements;

d) Request further information from any bidder after the closing date for clarity purposes;

e) Cancel this tender or any part thereof at any time;

f) Should any of the above occur, it will be communicated in writing to the bidders.

15. **Confidentiality**

a) Bids submitted will not be revealed to any other bidders and will be treated as contractually binding;

b) All information pertaining to the NLC obtained by the bidder as a result of participation in this RFP is confidential and must not be disclosed without written authorisation from the NLC; and

c) The successful bidder will be expected to sign a SLA with the NLC.

16. **Disqualification**

a) Any form of canvassing/lobbying/influence regarding the short listing will result in disqualification;

b) Any non-disclosure of any other information pertaining to this bid will result in disqualification;

c) Non-compliance with the bid requirements will invalidate the bid; and
d) Non-compliance with all the applicable Acts, Regulations and by-laws will result in the disqualification of the bid.

17. Prices

a) All services’ pricing should be inclusive of all taxes etc. and payment shall be made in South African Rand;

b) The NLC may require a breakdown of rates on any of the items priced and the bidders are to provide same without any additional cost and also provide a “Pricing Grid” or “Transaction Fee Schedule”; and

c) The total amount should be carried out on the Standard Bidding Form (SBD1).

18. Payment terms

a) The NLC undertakes to pay valid tax invoices in full within thirty (30) days from statement date for services rendered in three (3) tranches as follows:

- First payment tranche after the submission of the SCB Training session report, photos & video material, learner database; awarding of certificate of attendance and attendance registers.
- Second payment tranche after the submission of the SCB Mentoring session report; photos & video material, learner database and attendance registers.
- Third payment tranche after the submission of the SCB Final closeout report, learner evaluations, Statement of Results and Framed Certificates of Competency.

b) All supporting documents should accompany the tax invoices for services rendered.

c) Valid Tax Invoices for all services rendered are to be submitted to the Chief Financial Officer (CFO) at the NLC’s Finance Division at the address on page 2 above.
19. **Validity**

   a) A Proposal shall remain valid for ninety (90) days after the closing date of the submission for proposals. A Proposal which is valid for a shorter period may be rejected by the NLC for non-responsiveness; and

   b) In exceptional circumstances, the NLC may solicit the bidder's consent to an extension of the period of the validity of the bid. The request and responses thereto shall be made in writing. A bidder that has been granted the request will neither be required nor permitted to modify the Proposal.

20. **Signatories**

   All responses to this RFP should be signed off by the authorised signatories of the bidder.

21. **Special Terms and Conditions**

   a) The NLC reserves the right to accept or reject any submission in full or in part, and to suspend this process and reject all proposals or part thereof, at any time prior to the awarding of the contract, without thereby incurring any liability to the affected bidders.

   b) This bid and the contract will be subject to the General Conditions of Contract issued in accordance with Treasury Regulation 16A published in terms of the PFMA. The special terms and conditions of contract are supplementary to that of the general conditions of the contract.

   d) Where, however, the special conditions of contract conflict with the general conditions of contract, the general conditions of contract will prevail.

   e) The NLC is the sole adjudicator of the suitability of the venue for the purpose for which it is required. Therefore, the NLC’s decision in this regard will be final.

   f) No bids sent by the facsimile or email will be accepted.
The annexures are part of the bid documentation and must be signed by the bidder and attach to the bid document.

h) The bid forms must not be retyped or redrafted, but copies may be used. Additional offers may be made but only photocopies of the original documents. Additional offers/submissions are regarded as separate and must be treated as such by the bidder. The inclusion of various offers as part of a single submission in one envelope is not allowed and will not be considered. Additional bid offers must be submitted separately in separate sealed envelopes.

i) The original valid Tax Clearance Certificate should be submitted together with the completed bid.

j) Failure to comply with the above-mentioned conditions will invalidate the bid.

k) Certified copies of the company registration documents or proof of ownership of the company or agency i.e. Shareholders Certificates.

22. **Other Conditions:**

i. Only bidders who obtain at least 70% under Functional/Technical Evaluation will be considered for further evaluation on phase 2;

ii. 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;

iii. 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. Current and valid original or certified B-BBEE Certificate or Affidavit for Exempted Micro Enterprise (EME)/Qualifying Small Business Enterprise (QSE) must be submitted. (Failure to submit a certificate will result in scoring 0 for B-BBEE.);

iv. A person 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;

v. A person 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;

vi. Fraudulent practices shall result in immediate disqualification;

vii. NLC is under no obligation to accept any bid and reserves its right not to proceed with the appointment of any service provider that responded to the invitation to submit proposals, for whatever reasons it may consider appropriate;

viii. The service provider to be appointed must display an unquestionable track record and experience with positive feedback from their existing and previous clients;

ix. Central Supplier Database (CSD) Summarized Report. Please submit the current CSD Report; and

x. The service provider must comply with all the laws and regulations of the Republic of South Africa.

23. Presentations/Site visits

a) Shortlisted service providers may be required to do a presentation and/or question and answer session.

b) The NLC may also conduct site visit.

24. CLARIFICATIONS / ENQUIRIES

Telephonic request for clarification will not be considered. Any clarification required by a bidder regarding the meaning or interpretation of the Terms of Reference or any other aspects concerning the bid is to be requested in writing (letter, facsimile or e-mail) from the below contact persons. The bid reference number should be mentioned in all correspondence.
24.1  Bid Enquiries

Name and Surname: Maureen Senyatsi  
E-mail: TOR1@nlcsa.org.za / Maureen@nlcsa.org.za  
Fax: 086 568 7857  
Enquiries received will be responded to within two (2) working days of receiving the enquiry.

24.2  Technical Enquiries

Name and Surname: Wabile Motswasele  
E-mail: Wabile@nlcsa.org.za  
Tel: 012 432 1516.

THE NLC IS NOT OBLIGED TO ACCEPT THE LOWEST OR ANY BID AND RESERVES THE RIGHT TO ACCEPT ANY BID IN WHOLE OR PART
PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)

BID NUMBER: RFP/2019 - 048 CLOSING DATE: 26 SEPTEMBER 2019 CLOSING TIME: 11:00

DESCRIPTION APPOINTMENT OF A SERVICE PROVIDER FOR PROVISION OF SMS MESSAGING GATEWAY SERVICE FOR NLC FOR A PERIOD THIRTY-SIX (36) MONTHS

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

NATIONAL LOTTERIES COMMISSION (NLC), 333 GROSVENOR STREET, BLOCK D HATFIELD GARDENS, HATFIELD, 0075

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO TECHNICAL ENQUIRIES MAY BE DIRECTED TO:

CONTACT PERSON Maureen Senyatsi/ Bojane Mosima CONTACT PERSON Maureen Senyatsi/ Bojane Mosima

TELEPHONE NUMBER 012 432 1470 / 1344 TELEPHONE NUMBER 012 432 1470 / 1344

FACSIMILE NUMBER FACSIMILE NUMBER

E-MAIL ADDRESS TOR1@nlcsa.org.za and copy maureen@nlcsa.org.za E-MAIL ADDRESS TOR1@nlcsa.org.za and copy maureen@nlcsa.org.za

SUPPLIER INFORMATION

NAME OF BIDDER

POSTAL ADDRESS

STREET ADDRESS

TELEPHONE NUMBER CODE NUMBER

CELLPHONE NUMBER

FACSIMILE NUMBER CODE NUMBER

E-MAIL ADDRESS

VAT REGISTRATION NUMBER

SUPPLIER COMPLIANCE STATUS TAX COMPLIANCE SYSTEM PIN: OR CENTRAL SUPPLIER DATABASE No: MAAA

B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE TICK APPLICABLE BOX] B-BBEE STATUS LEVEL SWORN AFFIDAVIT [TICK APPLICABLE BOX]

☑ Yes ☐ No ☐ Yes ☐ No

[ 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? ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? ☐ Yes ☐ No ☐ Yes ☐ No

[ IF YES ENCLOSE PROOF] [IF YES, ANSWER PART B:3 ]

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO

IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.
# 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 IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**

1.3. **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 SPECIAL CONDITIONS OF CONTRACT.**

1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

### 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 VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.**

2.3. **APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.**

2.4. **BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.**

2.5. **IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / 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.**

2.7. **NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE.**

**NB:** FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

**SIGNATURE OF BIDDER:** 

```
............................................................
```

**CAPACITY UNDER WHICH THIS BID IS SIGNED:** 

```
............................................................
```

(Proof of authority must be submitted e.g. company resolution)

**DATE:** 

```
............................................................
```
Annexure 1: Supplier Ownership Form

Name of the supplier: .................................................................................................................................

Reference number: ......................................................................................................................................

Please furnish the National Lotteries Commission (NLC) with the following details:

<table>
<thead>
<tr>
<th>Details of ownership</th>
<th>Please provide with the details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Percentage (%) of ownership by black people</td>
<td></td>
</tr>
<tr>
<td>2. Percentage (%) of ownership by black women</td>
<td></td>
</tr>
<tr>
<td>3. Percentage (%) of ownership by black youth (age 18 – 35)</td>
<td></td>
</tr>
<tr>
<td>4. Percentage (%) of ownership by black people with disabilities</td>
<td></td>
</tr>
<tr>
<td>5. Percentage (%) of ownership by black people who are military veterans</td>
<td></td>
</tr>
<tr>
<td>6. Is the company a Cooperative owned by black people? Yes/No</td>
<td></td>
</tr>
<tr>
<td>7. Is your company located in urban or rural area? Please indicate</td>
<td></td>
</tr>
<tr>
<td>8. Kindly describe the nature of the area i.e. city/town/township/village</td>
<td></td>
</tr>
<tr>
<td>9. Please provide full address of the city/town/ township/village</td>
<td></td>
</tr>
</tbody>
</table>

**NLC will refer to the Central Supplier Database (CSD) to verify the details provided.**

The supplier hereby declare that the information provided above is true and correct.

..................................................  .................................................................  ..........................................
Signature    Position             Date
DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, 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, shareholder²): …………………………………………

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.

¹“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
Parliament.

2 "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 attach 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  YES / NO
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?

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?

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?

2.11.1 If so, furnish particulars:

………………………………………………………………
………………………………………………………………
………………………………………………………………

3 Full details of directors / trustees / members / shareholders.

<table>
<thead>
<tr>
<th>Full Name</th>
<th>Identity Number</th>
<th>Personal Tax Reference Number</th>
<th>State Employee Number / Personal Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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.....................................................................................................................................................................

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

Position.................................................................................................................................................................

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

Name of bidder.........................................................................................................................................................

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

Date.......................................................................................................................................................................

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

May 2011
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


1. GENERAL CONDITIONS
1.1 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
   - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
1.2 a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
   b) The 80/20 preference point system will be applicable to this tender.
1.3 Points for this bid shall be awarded for:
   (a) Price; and
   (b) B-BBEE Status Level of Contributor.
1.4 The maximum points for this bid are allocated as follows:

<table>
<thead>
<tr>
<th>POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRICE</td>
</tr>
<tr>
<td>B-BBEE STATUS LEVEL OF CONTRIBUTOR</td>
</tr>
<tr>
<td>Total points for Price and B-BBEE must not exceed</td>
</tr>
</tbody>
</table>

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.
2. **DEFINITIONS**

(a) “B-BBEE” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

(b) “B-BBEE status level of contributor” means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

(c) “bid” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;

(d) “Broad-Based Black Economic Empowerment Act” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

(e) “EME” means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

(f) “functionality” means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.

(g) “prices” includes all applicable taxes less all unconditional discounts;

(h) “proof of B-BBEE status level of contributor” means:
   1) B-BBEE Status level certificate issued by an authorized body or person;
   2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
   3) Any other requirement prescribed in terms of the B-BBEE Act;

(i) “QSE” means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

(j) “rand value” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. **POINTS AWARDED FOR PRICE**

3.1 **THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

A maximum of 80 or 90 points is allocated for price on the following basis:

\[
P_s = 80 \left( 1 - \frac{P_t - P_{\text{min}}}{P_{\text{min}}} \right) \quad \text{or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{\text{min}}}{P_{\text{min}}} \right)
\]

Where

\[
\begin{align*}
P_s & = \text{Points scored for price of bid under consideration} \\
P_t & = \text{Price of bid under consideration} \\
P_{\text{min}} & = \text{Price of lowest acceptable bid}
\end{align*}
\]

4. **POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR**

4.1 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

<table>
<thead>
<tr>
<th>B-BBEE Status Level of Contributor</th>
<th>Number of points (90/10 system)</th>
<th>Number of points (80/20 system)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>9</td>
<td>18</td>
</tr>
<tr>
<td>3</td>
<td>6</td>
<td>14</td>
</tr>
<tr>
<td>4</td>
<td>5</td>
<td>12</td>
</tr>
<tr>
<td>5</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>7</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Non-compliant contributor</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

5. **BID DECLARATION**

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

6. **B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

6.1 B-BBEE Status Level of Contributor: \( \text{Number of points} = \ldots \) (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 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?\( \ldots \)\%

ii) The name of the sub-contractor:

iii) The B-BBEE status level of the sub-contractor:

iv) 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>
</tbody>
</table>
Black people who are military veterans

OR

Any EME

Any QSE

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

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

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

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

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

8.6 COMPANY CLASSIFICATION

☐ Manufacturer

☐ Supplier

☐ Professional service provider

☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

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

8.8 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-BBEE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

i) The information furnished is true and correct;

ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

iv) If the B-BBEE status level of contributor has been claimed or obtained on a
fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

(a) disqualify the person from the bidding process;
(b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
(c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
(d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
(e) forward the matter for criminal prosecution.

WITNESSES
1. ..............................................
2. ..............................................

SIGNATURE(S) OF BIDDERS(S)

DATE: ..............................................
ADDRESS ..............................................
DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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? (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 audi alteram partem rule was applied). 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.</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4.1.1</td>
<td>If so, furnish particulars:</td>
<td></td>
<td></td>
</tr>
<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)? 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.</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>
</tbody>
</table>
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?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

4.4.1 If so, furnish particulars:

SBD 8

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

Js365bW
CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

3  Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:

   a.  disregard the bid of any bidder if that bidder, or any of its directors have abused the institution’s supply chain management system and or committed fraud or any other improper conduct in relation to such system.

   b.  cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.

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

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

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

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

I, the undersigned, in submitting the accompanying bid:

________________________________________________________________________

(Bid Number and Description)

in response to the invitation for the bid made by:

______________________________________________________________

(Name of Institution)

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

I certify, on behalf of:_______________________________________________________that:

(Name of Bidder)

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

(a) has been requested to submit a bid in response to this bid invitation;
(b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
(c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
   
   (a) prices;
   (b) geographical area where product or service will be rendered (market allocation);
   (c) methods, factors or formulas used to calculate prices;
   (d) the intention or decision to submit or not to submit, a bid;
   (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
   (f) bidding with the intention not to win the bid.

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

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

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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Signature Date

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Position Name of Bidder

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