



RFP: IDT-CDP 01/2017

Invitation to participate in the Independent Development Trust (IDT) Contractor Development Programme (CDP) CIDB Grade 1 to 5 GB/PE

Independent Development Trust

P O Box 73000
Lynwood Ridge
Pretoria
0400

National Office Enquiries

Name: Melvin-Eugene Moroka
Email: Melvin-EugeneM@idt.org.za

Name: Mlungisi Mkhize
Email: mlungisim@idt.org.za

Telephone: 012 845 2000

Tenderer

CIDB Registration Number:.....

Documents may be downloaded from the IDT website, <http://www.idt.org.za/business-opportunities/current-tenders/>



RFP Number: IDT-CDP 01/2017

Invitation to participate in the Independent Development Trust (IDT) Contractor Development Programme (CDP)

INVITATION TO APPLICANTS

The Independent Development Trust (IDT) invites applications from contractors (within the building construction sector) to participate in a Contractor Development Programme (CDP). This is an initiative of the IDT that seeks to promote the sustainable development of small to medium-sized contractors and intends to contribute towards radical economic transformation within the sector. The programme is targeting Construction Industry Development Board (CIDB) registered contractors grading level 1 to 5 GB/PE Construction companies owned and controlled by Historically Disadvantaged Individuals from the following categories:

- a) Black Women; b) Black Youth; c) Black People with Disabilities and d) Black Military Veterans

Applications forms are available from the IDT website at www.idt.org.za.

The scope of works will cover all provinces in South Africa. The applicant must select (**only one**) province where they would like to participate and submit the document at the selected IDT regional (provincial) office, CIDB grading and category for which you prefer to be prequalified in:

CIDB GRADING	Tick
1. 1GB – 2GB	
2. 3GB – 5GB	

<u>Province</u>	<u>Indicate interest (X)</u>
Limpopo	
Free State	
Northern Cape	
KwaZulu-Natal	
Western Cape	
North West	
Gauteng	
Mpumalanga	
Eastern Cape	

Duly and authorised signature of bidder

SELECTION CRITERIA

1. Requirements for Applicants

The applying contractor must be a registered construction company (e.g. Pty Ltd),

- a. The contractor must be registered on National Treasury Central Supplier Database (CSD) as per requirements for bidding for public tenders
- b. The applying contractor must be registered with the CIDB and have a class of work for building from Grade 1 to 5 GB classification.
- c. The contractor must be a South African citizen
- d. The applicant should also meet the following requirements:
 - **Black Women Contractor:** a minimum of 51% plus of shareholding owned by black women
 - **Black Youth Contractor:** a minimum of 51% plus of shareholding owned by black youth
 - **Black People with Disabilities:** a minimum of 51% plus of shareholding by black people with disabilities
 - **Black Military Veterans:** a minimum of 51% plus of shareholding owned by black military veterans

2. Conditions to participate in the Programme

- a. A successful contracting entity will need to sign all the CDP contract in order to qualify for the programme.
- b. Bidder must disclose all other contractor development programme they have been or are involved in (incomplete / completed).
- c. Military Veterans must be registered on the database of the Department of Military Veterans.

3. Experience of Applicants

3.1. Grades 1 to 2 GB/PE: Learnership Programme

The IDT Contractor Development Programme targets contractors of CIDB grade 1 to 2 GB/PE entities that fall within the Historically Disadvantaged Individuals, who have the best chances of succeeding in the construction industry. The following characteristics will therefore count in their favour in the selection process:

- Experience of the director in the construction or contracting sector
- Experience in owning / running or managing a business

3.2. Grades 3 to 5 GB/PE: Incubator Programme

The IDT Contractor Development Programme targets contractors of CIDB grade 3 to 5 GB/PE entities that fall within the Historically Disadvantaged Individuals, who have the best chances of succeeding in the construction industry. The following characteristics will therefore count in their favour in the selection process:

- Experience in the construction or contracting sector
- Experience in owning / running or managing a business
- Appropriate (construction/business management) qualifications higher than the minimum specified, highest being a National Diploma.
- Access to skilled staff.

4. Evaluation

Evaluation through scoring will be effected on functionality results, Empowerment credentials, and related qualifications. These three categories will be weighed as follows:

- | | |
|--------------------------|----|
| • Locality | 20 |
| • Functionality Criteria | 60 |
| • Qualifications: | 20 |

TOTAL EVALUATION POINTS

100

Minimum threshold to be considered on evaluation is **60 points**, this will qualify to be in the Learnership Programme of contractors for a period of 2 (two) years.

5. Compulsory documents to be submitted

- a. Application forms (available from the IDT website)
- b. Company registration from CIPC;
- c. Proof of CIDB registration;
- d. Proof of address;
- e. Certified copy of ID (not older than three months);
- f. BBBEE certificate

Closing Date of Submission: 01 December 2017, Friday on or before 11:00 am

Places for submissions from all IDT Regional Offices as follows:

1. **Eastern Cape:** Palm Square Business Park, Bonza Bay Road, Silverwood House, Beacon Bay, East London 5241;
2. **Free State:** PHG Building; The Courtyard 196 Nelson Mandela Drive, Brandwag, Bloemfontein 9300;
3. **Gauteng:** Corner 6th Avenue and New Road, International Business Gateway, South Wing, Sanlam Building, 3rd Floor, Midrand 1632;
4. **KwaZulu-Natal:** 12th Floor, The Marine Building, 22 Dorothy Nyembe Street Durban, 400;
5. **Limpopo:** 68 Hans Van Rensburg Street, 2nd Floor, Polokwane 0700;
6. **Mpumalanga:** 34 Brown Street, 1st Floor, ABSA Building, Nelspruit 1200;
7. **Northern Cape:** 10 Oliver Road, Montrio Corporate Park, Block 3, 2nd Floor, Kimberley 8301;
8. **North West:** 4059 Joules Street, De Crossing, Mahikeng 2745 and
9. **Western Cape:** 30 Waterkant Street, 2nd Floor, Cape Town 8000.

For general information or enquiries please use this email for attention to Mlungisi Mkhize mlungisim@idt.org.za.

Evaluation Criteria for Grades 1GB to 2GB for the Learnership Programme

Locality

Item	Description	Points Allocation
1.	Locality	20
Total Points		20

Functionality

Item	Description	Points Allocation
1.	Construction sector experience of director(s)	10
2.	Interview	30
3.	Experience managing a business	20
Total Points		60

Qualifications

Item	Description	Points Allocation
1.	Matric Certificate	10
2.	TVET Certificate	15
3.	National Diploma or Higher	20
Total Maximum Points		20

Minimum threshold to be considered on evaluation is **60 points**, this will qualify to be in the Learnership Programme of contractors for a period of 2 (two) years for grades 1 GB to 2 GB.

Evaluation Criteria for Grades 3GB to 5GB for the Incubator Programme**Empowerment Credentials**

Item	Description	Points Allocation
1.	Locality	20
Total Points		20

Functionality

Item	Description	Points Allocation
1.	Proof of relevant experience of the entity (appointment letters)	10
2.	Construction sector experience of the director(s)	10
3.	Interview	20
4.	Experience managing a business	10
5.	Proof of access to skilled staff	10
Total Points		60

Qualifications

Item	Description	Points Allocation
1.	Matric Certificate	10
2.	TVET Certificate	15
3.	National Diploma or Degree	20
Total Maximum Points		20

Minimum threshold to be considered on evaluation points is **60 points**, this will qualify to be in the panel of contractors for a period of 2 (two) years for grades 3 GB to 5 GB/PE.

Points for Locality are allocated only if the applicant provide proof of residence in the selected province.

Very Important:

The physical addresses of the 9 provinces for collection of tender documents, contact persons and bank account details for tender deposits are listed in the Tender Document.

Documents may be downloaded from the IDT website, <http://www.idt.org.za/business-opportunities/current-tenders/>

Enquiries relating to the tender advert may be addressed to the National contact persons listed below:

National Office Enquiries

Supply Chain Management (SCM):

Name: Melvin-Eugene Moroka, e-mail: Melvin-EugeneM@idt.org.za Telephone: 012 845 2000

Technical Enquiries:

Name: Mlungisi Mkhize, e-mail: Mlungisim@idt.org.za Telephone: 012 845 2000

REGIONAL ENQUIRIES INCLUDING BAKING DETAILS PER REGION PAYABLE FOR THE BID DOCUMENT:

Gauteng	General Enquiries Contact Person: Mojapele Moremi Email: Mojapelem@idt.org.za Technical Queries Contact Person: Sannah Sebitlo Email: Sannahs@idt.org.za Telephone Number: 011 357 4600
Limpopo	General Enquiries Contact Person: Mamikie Mashele Email: Mamikiem@idt.org.za Technical Queries Contact Person: Isaac Malatjie Email: Isaacm@idt.org.za Telephone Number: 015 295 0000
Mpumalanga	General Enquiries Contact Person: Surprise Mthombeni Email: Surprisem@idt.org.za Technical Queries Contact Person: Sabelo Matu Email: Sabelom@idt.org.za Telephone Number: 013 756 5500
Free State	General Enquiries Contact Person: Herman Morake Email: Hermanm@idt.org.za Technical Queries Contact Person: Lisemelo Tau Email: Lisemelot@idt.org.za Telephone Number: 051 411 6251

Kwa-Zulu Natal	<p>General Enquiries Contact Person: Mukelani Mdlalose Email: Mukelanim@idt.org.za</p> <p>Technical Queries Contact Person: Simon Mashigo Email: Melusin@idt.org.za Telephone Number: 013 369 7400</p>
North West	<p>General Enquiries Contact Person: Permy Kgokong Email: Permyk@idt.org.za</p> <p>Technical Queries Contact Person: Mojaki Tinyane Email: Mojakit@idt.org.za Telephone Number: 018 389 3000</p>
Eastern Cape	<p>General Enquiries Contact Person: Papi Duiker Email: Papid@idt.org.za</p> <p>Technical Queries Contact Person: Ziyanda Goboza Email: Grega@idt.org.za Telephone Number: 043 711 6000</p>
Northern Cape	<p>General Enquiries Contact Person: Molefi Gaobepe Email: Molefig@idt.org.za</p> <p>Technical Queries Contact Person: Consulate Tseisi Email: Consulatet@idt.org.za Telephone Number: 053 807 2660</p>
Western Cape	<p>General Enquiries Contact Person: Alan Wright Email: alanw@idt.org.za</p> <p>Technical Queries Contact Person: Gregory Africa Email: GregoryA@idt.org.za</p>

There will be no Briefing session for this RFP

The closing time for receipt of bid documents is 11H00 noon on Friday, 01 December 2017 at each of the selected Provincial Regional Offices of the IDT.

Late submissions will NOT be accepted.

Q. SBD 4

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
- (e) 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 attached proof of such authority to the bid document? **YES / NO**

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

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

.....

.....

.....

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

2.8.1 If so, furnish particulars:

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

2.9.1 If so, furnish particulars.

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

2.10.1 If so, furnish particulars.

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

2.11.1 If so, furnish particulars:

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

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

4 DECLARATION

I, THE UNDERSIGNED (NAME).....CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

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

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

May 2011

R. SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

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 R500, 000.00 (all applicable taxes included); and

1.2 The value of this bid is estimated to not exceed R500, 000.00 (all applicable taxes included) and therefore the 80/20 system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this bid are allocated as follows:

POINTS

1.3.1.1 PRICE	80
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION	20
Total points for Price and B-BBEE must not exceed	100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5 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

- 2.1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 **“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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **“consortium or joint venture”** 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;
- 2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **“EME”** means any enterprise with an annual total revenue of R5 million or less .
- 2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **“non-firm prices”** means all prices other than “firm” prices;
- 2.13 **“person”** includes a juristic person;
- 2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or

employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;

2. 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:

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

4. Points awarded for B-BBEE Status Level of Contribution

2.1 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	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state*, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest, where-
 - the bidder is employed by the state; and/or
 - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

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

2.7 Identity Number:.....

2.8 Position occupied in the Company (director, shareholder etc.):.....

2.9 Company Registration Number:.....

2.10 Tax Reference Number:.....

2.11 VAT Registration Number:.....

* "State" means –

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

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

3.7.1 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:
.....

Any other particulars:
.....
.....
.....

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

3.8.1 If so, furnish particulars:
.....
.....
.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other)
with a person employed by the state and who may be involved with the evaluation and or
adjudication of this bid?

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 the 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.
.....
.....

YES / NO

2.11 Do you or any of the directors /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:
.....
.....

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 PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

.....
Position
Js914w

.....
Name of Bidder

S.SBD 8

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.**

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

T.SBD9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

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.

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

