



NATIONAL LIBRARY OF SOUTH AFRICA

228 Johannes Ramokhoase Street
Private Bag X397
Pretoria
0001

5 Queen Victoria Street
Cape Town
8001

BID DESCRIPTION

REQUEST FOR THE PROVISION OF PROFESSIONAL SERVICES TO CONDUCT THE CONDITIONAL GRANT IMPACT ASSESSMENT FOR PUBLIC AND COMMUNITY LIBRARIES.

TENDER NO: NLSA.IMPACT 04/2019

CLOSING DATE: 20 AUGUST 2019

TIME: 11h00

COMPULSORY BRIEFING SESSION

Pretoria Campus

VENUE

: AUDITORIUM

DATE

: 02 AUGUST 2019

TIME

: 11h00

NB. Saturday will be treated as a normal working day. Should you want to deliver your bid documents, please note that the NLSA opens at **08H30** and closes at **16H00**. Upon the submission of bid documents, Service providers are requested to sign the register at the reception.

BID DOCUMENTS ARE AVAILABLE ON:

- NLSA website (www.nlsa.ac.za)
- National Treasury website (www.e-tenders.gov.za)

NB. Completed bid documents must be deposited in the tender box at the NLSA, 75 Thabo Sehume Street, Pretoria CBD before the closing date and time of Tuesday, 20 August 2019 at **11H00**.

1. TERMS OF REFERENCE TO CONDUCT AN IMPACT ASSESSMENT OF THE CONDITIONAL GRANT FOR PUBLIC AND COMMUNITY LIBRARIES IN SOUTH AFRICA.

The National Library of South Africa (NLSA) is implementing the Impact Assessment in collaboration with the nine Provincial Library Services. The Impact Assessment project is overseen and supported by the Department of Sports, Arts and Culture.

Data collected through the Impact Assessment/Survey will enable the library sector, public libraries and policy makers to focus on the impact of the Conditional Grant on communities as well as the role that libraries play in the lives of South Africans.

2. BACKGROUND

The Government of South Africa through the Department of Sports, Arts and Culture has allocated the Conditional Grant to Public Library Services in order to enable the South Africa society to gain access to knowledge and information that will improve their socio-economic situation; transform urban and rural public and community library infrastructure, facilities and services in support of the national initiatives; transform and equate Library and Information Services delivered to all rural and urban communities; improve staff capacity at urban and rural libraries to respond appropriately to community knowledge and information needs; improved culture of reading in South Africa and literacy development.

The Grant was first issued in 2007. Since then, 172 new libraries have been built and 462 libraries were upgraded throughout the country. There has also been a significant improvement in terms of books and other reading materials provided to libraries. Additional staff members have been appointed to provide services, including outreach services, to the public.

The purpose of the Impact Assessment is to determine the extent to which the Grant has been able to address the priorities identified during the inception of the Grant. The

provision of public library services is a provincial competency in terms of the Constitution of South Africa. However, the introduction of the Grant has enabled the national, provincial and local government to co-ordinate the planning and implementation of joint initiatives to improve a culture of reading in South Africa. Formal agreements between the three levels of government are signed annually to support collaboration based on earmarked funding and deliverables.

3. TERMS OF REFERENCE FOR IMPACT ASSESSMENT OF PUBLIC AND COMMUNITY LIBRARY SERVICES GRANT

3.1 SERVICES REQUIRED

This Bid invites knowledgeable, experienced and reputable service provider to submit proposals to conduct the Conditional Grant Impact Assessment. The Impact Assessment is for the Public Library Services Conditional Grant since its inception in 2007 up until March 2019. The successful Bidder shall demonstrate a clear track record of involvement in conducting Impact Assessments and demonstrate a clear understanding or development of library legislative frameworks and practices. Knowledge of the Library and Information Services (LIS) Sector, LIS Bill and the Draft National Policy for Library and Information Services (NPLIS) will be an added advantage.

The Assessment will be conducted by collecting data that relates to the Conditional Grant for Public and Community Libraries. The successful Bidder will be required to measure the impact of the Conditional Grant on the lives of communities. The successful Bidder will be expected to measure this impact, underpinned by a comprehensive methodology for data collection.

The Impact Assessment Consultant will at regular intervals, determine whether the objectives of the Conditional Grant are impacting positively on communities. The successful Bidder will report to the NLSA and DAC through its Library Policy & Co-ordination Unit.

3.2 OUTLINE OF THE PROJECT

3.2.1 Access and utilisation of public libraries in South Africa

- Number of registered library users in relation to the population per province
- Number of people visiting libraries for study purposes
- Number of people borrowing books from libraries
- Number of loans (books, eBooks, CD-Roms, electronic collections)
- Number of people who utilise Internet facilities
- Number of blind or visually impaired people using libraries

3.2.2 The role of Library and Information Services (LIS) in improving the culture of reading in South Africa.

The impact of reading programmes aimed at promoting the culture of reading in South Africa:

- Funda Mzansi Reading Festival
- Book Clubs
- Community Publishing Project
- International and national literary events such as International Literary Day; World Book Day; Library Week; National Book Week; SA Book Fair; Spelling BEE, and other library outreach projects

3.2.3 Availability of indigenous reading materials in libraries and extend of its use.

- Availability of the latest publications in indigenous languages that are available in libraries
- Availability and use of the reprinted South African Classics

3.2.4 Availability of relevant and up-to-date materials in public libraries and extend of use thereof.

- Diversity and relevance of library material

3.2.5 Access and utilisation of Information and Communications Technology in libraries.

- Internet access to search for jobs, prepare CVs, complete school projects, etc.

3.2.6 The percentage of library structures built/upgraded since 2007 in contrast to the demand for LIS.

- Number of libraries built since 2007 and assess the impact compared to the demand

3.2.7 Awareness of LIS in South Africa.

- Assess awareness of libraries in general

3.2.8 Impact of capacity building programmes for librarians. Interview not less than 100 Librarians per province.

- Librarians trained through the Conditional Grant bursaries
- Librarians trained in Library Disaster Management and Recovery Operations
- Librarians trained in Resource Description Access (RDA)
- LIS Conferences, workshops and other local training

3.3 PLANNING AND PREPARATION

- Design the Impact Planning Assessment (IPA) model in collaboration with the NLSA, DAC, Provincial Library Services and relevant stakeholders.
- Develop a project plan for completing the Impact Assessment.
- Brief the NLSA and provincial team members to help them understand the IPA model to be used.
- Research available data (e.g. Departmental reports, market research, statistical agencies for demographics, etc.) to determine the project baseline.

3.4 IMPLEMENTATION

- Conduct a briefing sessions with relevant stakeholders
- Develop a robust and comprehensive methodology for the collection of data
- Develop/design appropriate survey tools
- Sample libraries, stakeholders and role-players to be interviewed
- Conduct site visits to libraries and provincial Head Offices as required
- Engage with all relevant stakeholders
- Conduct outreach and engage with the library users and key stakeholders
- Collect data and report on a set of desired outcomes from predetermined impact areas
- Collect data and report on a set of desired outcomes from predetermined impact areas
- Analyse the data and interpret the results
- Develop the draft report in line with proposed timeframes
- Develop the draft report in line with proposed timeframes
- Work with stakeholders to create a baseline survey and impact assessment surveys
- Manage the IPA implementation process

3.5 REPORTING

- Report on planning, data collected, project processes and the results of the survey to the NLSA and the DAC.
- Summarise reports and give feedback to the NLSA, DAC and Provincial Library Services on regular basis.
- Determine key insights and implications from the data.
- Report on findings to improve the implementation of the Conditional Grant.
- All information related to the Impact Assessment, including the questionnaires and reports, remain the intellectual property of the NLSA. The Service Provider will not be allowed to use any part of the Assessment for any other purpose.

3.6 FINANCIALS

The Service Provider shall submit an itemised billing per deliverable. No payments will be made outside of the official Purchase Order (PO).

Item no.	Item description	Unit	Rate per unit	Total Costs
1	Develop a robust and comprehensive methodology for the collection of data			
2	Develop/design appropriate survey tools			
3.	Stakeholder engagement (training, consultations and fieldwork)			
4	Conduct the Impact Assessment Survey on a sample of at least 400 library users per province for library use.			
5	Collect data and report on a set of desired outcomes from the predetermined impact areas			
6	Analyse the data and interpret the results			
7	Prepare/Develop the Impact Assessment Report			

Item no.	Item description	Unit	Rate per unit	Total Costs
8	Provide the data collected and the results of the Impact Assessment to the NLSA			
	Total			
	VAT			
	Total Including VAT @ 15%			

3.7 TIME FRAMES

The time frames for this project will be agreed upon in consultation with the successful Service Provider. All work will be carried out as per an official Purchase Order or Service Level Agreement. The Impact Assessment and reporting must be completed no later than 30 September 2020.

On approval/acceptance of the appointment, the Service Provider must be prepared to enter into and sign a Service Level Agreement with the NLSA in compliance with the procurement policies, procedures and requirements of the NLSA and all other statutory requirements.

3.8 PROJECT GOVERNANCE AND REPORTING

Project Reporting

- The Service Provider will be expected to develop and submit to the NLSA monthly Progress Reports
- The Service Provider will be available for update meetings as and when required.

4. EVALUATION CRITERIA

4.1 Format of Bids

- The Bid Documents must be completed in full.
- Each page must be initialled by the Bidders' authorised representatives and witnesses.
- All compulsory documents must be provided.

NB: Failure to comply with the mandatory requirements shall result in the disqualification of your Bid. All Bidders who have state employees as shareholders and or directors in their companies must submit with the Bids, the permission to conduct remunerative work outside the public service as contemplated in Section 30 of the Public Service Act.

4.2 Pre-qualification of Bids

The following mandatory requirements must be met to qualify for this tender:

- Attendance of the compulsory briefing session
- Certified ID copies, not older than three months, of the shareholders
- CSD registration summary report
- One (1) original and four (4) copies of the tender document
- A detailed quotation / price schedule valid for 90 days
- Fully completed SBD 3, SBD 6.1, SBD 8, SBD 4 and SBD 9 forms

NB: Failure to comply with the mandatory requirements above shall result in the disqualification of your Bid.

In Stage 02, all Bids will be evaluated for functionality. The Bid Documents will be evaluated individually on score sheets by members of the Bid Evaluation Committee. The Bid Evaluation Committee will allocate points out of 100 for functionality according to the criteria set out below.

Bidders who fail to score **75 points** for functionality will be considered as having submitted a non-responsive bid and will not be considered for further evaluation.

Bids will be evaluated on a scale of 0 to 5 in accordance with the criteria below. The rating will be as follows:

- 0** = **No evidence**, *does not comply, no evidence / no reference / no information / no inputs*
- 1** = **Very Poor**, *Information provided does not meet the technical requirements of the bid*
- 2** = **Poor / inadequate**, *No satisfactory information / evidence not enough to substantiate, have not reached 70% of the requirement*
- 3** = **Average**, *satisfactory and comply with at least 70 % of the requirements*
- 4** = **Good** *Fully meet the specification requirement and complies >90 % of the requirement*
- 5** = **Excellent**, *fully meet the specification requirement and comply 100 % of the requirement with additional innovation, best practice standards and benchmark models*

Bidders are expected to furnish detailed information in substantiation of compliance to the evaluation criteria mentioned below.

Evaluation Criteria

Stage 02: Functionality Evaluation

Any bidder who fails to score **75 out of 100** will not be evaluated in Stage 03: Price and BBEE Evaluation.

5. TERMS OF REFERENCE / PROPOSAL REQUIREMENTS

The NLSA requires the proposal to be in the following format:

5.1 Executive Summary

- Respondent must include an Executive Summary in their Bid.
- The Executive Summary must not exceed five A4 pages in length, and no appendices or specific references to additional information will be accepted. Respondents should summarise the offering, approach and the value provided.
- The respondents must not include any financial information in the Executive Summary.

5.2 IPA / Detailed approach

Information containing the specific steps, resources and timing associated with the approach should be detailed in this section.

5.3 Key outputs/outcomes (Deliverables)

This section should include the list of deliverables. A description of each deliverable listed should be included in the proposal.

5.4 Proposed project plan

Respondents must provide a project plan, which should indicate the specific tasks, time frames and resources associated with each project activity. Respondents must provide an organisational structure of the project team, including responsibilities of all team members involved.

5.5 Track Record

5.5.1 Quality

The proposal should provide details of the approach to measure the quality of the project's delivery. It should provide details of any industry recognised quality standard to which it is, or will become, compliant (including a time frame for compliance, if not already achieved).

5.5.2 References

The proposal should include at least three (3) references on letterhead from clients who have received similar services from the Bidder in the last five years. This should preferably include clients having similar scope of services, industry, and scale as the NLSA and DAC. The letter should include a brief description of the services provided by the Bidder. Bidders are to ensure that the NLSA is able to have appropriate access to the clients listed.

The referees must be contactable, and the contact details provided must be valid and must include:

- Contact Person
- Efficiency of the project team
- Project time frame
- E-mail address
- Scope of project
- quality of work done

5.5.3 Project team's experience

Bidders should submit details describing the relevant experience of their proposed project participants. The information should include a description of the education, knowledge, relevant experience as well as certifications or other professional credentials that clearly show that the individual is qualified to perform the required work. Bidders should also submit the CVs of their proposed project participants. The documentation should thoroughly describe how the proposed programme manager has supplied expertise for similar contracts and projects. Bidders may include any supporting documentation to support their descriptive narrative.

5.5.4 Price

Bidders should provide a pricing schedule which clearly sets out the cost of providing the required services, together with any other charges. Other charges should be explained.

The fees should be based on an estimated 1 000 hours per annum. The pricing schedule should clearly indicate the hours, and the hourly rate per the respondent's staff.

The Bidder must indicate if the prices quoted include or exclude value added tax (VAT). Prices quoted must be valid for at least 90 (ninety) days from the closing date of the tender.

Any proposal that does not include information required in this paragraph will be disqualified.

6. TERMS OF CONTRACT AND SERVICE LEVEL AGREEMENT

Before the Bid will be awarded, the successful Bidder will be required to enter into a Service Level Agreement (SLA) with the NLSA. The SLA will form the contractual basis for the delivery of the service, indicate how performance will be measured and include the General Conditions of Contract as set out in Annexure B. Contract extensions are at the sole discretion of the NLSA.

7. EVALUATION

The proposals will first be evaluated for functionality. Functionality consists of technical, track record and experience components. A minimum score of **75 points** should be obtained for functionality before a proposal will be considered for further evaluation. Details of the functionality scoring and how the points will be allocated are as follows:

CRITERIA FOR FUNCTIONALITY AND REQUIRED EVIDENCE	VALUE	WEIGHTING
<p>1. Previous Experience</p> <p>Provide a record of Impact Assessments completed on your company profile, listing projects completed including the value of the contracts.</p> <p>Consultant experience in Impact Planning and Assessment in the LIS sector</p>	<p>The Bidder shall provide adequate information regarding experience in similar projects successfully completed within the last 5 years</p> <ul style="list-style-type: none"> • Similar impact surveys/studies conducted valued at R500k to R600k = 1 Point • Similar impact surveys/studies conducted valued at R601k to R700k = 2 Points • Similar impact surveys/studies conducted valued at R701k to R800k = 3 Points • Similar impact surveys/studies conducted valued at R801k to R999k = 4 Points • Similar impact surveys/studies conducted valued R1m to 1,5m and above = 5 Points 	<p>30</p>

<p>2. References</p> <p>Bidders are requested to provide traceable reference on official letterheads of similar Impact Assessments conducted.</p> <p>Relevant reputable contactable references and at least 3 reference letters. References for consultants should be included</p> <p>The referees must be contactable, and the contact details provided must be valid and must include:</p> <ul style="list-style-type: none"> • Contact Person • Efficiency of the project team • Project time frame • E-mail address • Scope of project • quality of work done 	<p>Each Bidder shall provide contactable references no older than 5 years from clients having similar IPA scope as the NLSA</p> <ul style="list-style-type: none"> • No reference letters = 0 Points • Reference letter/s confirming 0% to less than 75% of the mentioned requirements = 0 Points • 1 Reference letter containing at least 75% of reference letter requirements = 1 Point • 2 Reference letters containing at least 75% of reference letter requirements = 2 Points • 3 Reference letter containing at least 75% of reference letter requirements = 3 Points • 4 Reference letters containing at least 75% of reference letter requirements = 4 Points • 5 Reference letters containing at least 75% of reference letter requirements = 5 Points 	<p style="text-align: center;">20</p>
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<p>3. Experience of the Project Implementation Team</p> <p>Experience of individual team members in Social Science/Library Science relevant to conducting impact surveys.</p> <p>Provide detailed CVs of the team members indicating experience in similar projects with clear work description, employer, period of employment and contactable references.</p>	<ul style="list-style-type: none"> • 2 team members with 1 to 3 years of combined experience = 1 Point • 2 team members with 4 to 5 years of combined experience = 2 Points • 3 team members with 6 to 7 years of combined experience = 3 Points • 4 team members with 8 to 9 years of combined experience = 4 Points • 5 or more team members with ten years of combined experience and each with at least 5 years of relevant experience = 5 Points 	<p>20</p>
<p>4. Educational qualifications of team in LIS and Impact Assessment</p> <p>Educational qualifications of proposed team leader in Social Science/Library Science and Impact Assessment (Attach proof)</p>	<ul style="list-style-type: none"> • No LIS or Impact Assessment qualifications = 0 Points • LIS but no Impact Assessment qualification = 0 Points • Impact Assessment but no LIS qualification = 0 Points • LIS and Impact Assessment qualifications = 5 Points 	<p>10</p>

<p>5.Project Approach and Methodology</p> <p>Comprehensive project methodology/plan that details:</p> <ul style="list-style-type: none"> • Proposed delivery methodology <ul style="list-style-type: none"> ○ How will data be collected? ○ How will data be analysed? ○ How will results be interpreted and reported? • Time frames <ul style="list-style-type: none"> ○ How long will it take to conduct the Impact Assessment / survey? • Project team allocation (roles and responsibilities of each member of the team) • Risk Management Plan outlining contingency plans 	<ul style="list-style-type: none"> • One of the four requirements is covered in the methodology = 0 Points • Two of the four requirements are covered in the methodology = 3 Points • Three of the four requirements are covered in the methodology = 4 Points • All four requirements are covered in the methodology = 5 Points 	<p style="text-align: center;">20</p>
<p>TOTAL</p>		<p style="text-align: center;">100</p>

Bidder own evaluation sheet (To be completed by the bidding company)

1	Experience and recognition		30
	<ul style="list-style-type: none"> - Provide a record of Impact Assessments completed on your company profile, listing projects completed including the value of the contracts. - Consultant experience in Impact Planning and Assessment in the LIS sector 		
	Have you (the bidder) substantiated your response?	YES	NO
	Indicate the corresponding paragraph/ section/ submission that specifically substantiates the response in your bid document.	e.g. Annexure B: Qualification	
2	References		20
	<ul style="list-style-type: none"> - Relevant reputable contactable references and at least 3 reference letters. References for consultants should be included <p>The referees must be contactable, and the contact details provided must be valid and must include:</p> <ul style="list-style-type: none"> • Contact Person • Efficiency of the project team • Project time frame • E-mail address • Scope of project • quality of work done 		
	Have you (the bidder) substantiated your response?	YES	NO
	Indicate the corresponding paragraph/ section/ submission that specifically substantiates the response in your bid document.	e.g. Annexure C: Qualification	
3	Experience of Project Implementation Team		20
	<ul style="list-style-type: none"> - Experience of individual team members in Social Science/Library Science relevant to conducting impact surveys. - Provide detailed CVs of the team members indicating experience in similar 		

	<i>projects with clear work description, employer, period of employment and contactable references</i>		
	<i>Have you (the bidder) substantiated your response?</i>	YES	NO
	<i>Indicate the corresponding paragraph/ section/ submission that specifically substantiates the response in your bid document.</i>	<i>e.g. Annexure D: Qualification</i>	
	Educational qualifications of team in LIS and Impact Assessment		10
	<i>- Educational qualifications of proposed team leader in Social Science/Library Science and Impact Assessment (Attach proof)</i>		
4	<i>Have you (the bidder) substantiated your response?</i>	YES	NO
	<i>Indicate the corresponding paragraph/ section/ submission that specifically substantiates the response in your bid document.</i>	<i>e.g. Annexure D: Qualification</i>	
	Project Approach & Methodology		20
	<i>- Comprehensive project methodology that includes a project plan covering all aspects of implementation including reporting.</i>		
5	<i>Have you (the bidder) substantiated your response?</i>	YES	NO
	<i>Indicate the corresponding paragraph/ section/ submission that specifically substantiates the response in your bid document.</i>	<i>e.g. Annexure D: Qualification</i>	

PRICE and BBBEE PREFERENTIAL POINT SCORING

The 80/20 scoring will be used as the criteria for appointment. The criteria are in terms of the Preferential Procurement Policy Framework and are allocated as follows:

- Price: 80 points
- B-BBEE: 20 points

B-BBEE Status

B-BBEE Status Level Of Contributor	Number of Points
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

8. PROCUREMENT POLICIES AND PROCEDURES

- The General Conditions of Contract will be applicable to this for bid proposals.
- Bidders are required to familiarize themselves with the General Conditions of Contract applicable to government contracts.

9. OTHER CONDITIONS

- All prices quoted must be VAT inclusive.
- NLSA will not make upfront payments. Service Providers are to submit invoices as per the Service Level Agreement.
- The detailed quotation / price schedule must be valid for 90 days.
- Upon awarding of the Bid, the successful Bidder will enter into a Service Level Agreement with the NLSA.
- The successful Bidder shall provide the services required as per the timelines indicated in the Service Level Agreement.

10. SUBMISSION OF BIDS

One Original bid and four copies of the bid must be submitted.

NLSA may request clarification or further information regarding any aspect of the Bid. The Bidder must provide the requested information within twenty-four (24) hours after the request has been made; otherwise the bid may be disqualified.

The following information must be endorsed on the front cover of the submission:

- Bid number
- Closing date
- Name of the bidder

9. ENQUIRIES

Please refer all enquiries pertaining to the technical specifications to:

Conditional Grant Impact Assessment Project

Mr Andrew
Malotle

NLSA

(012) 401 9784

andrew.malotle@nlsa.ac.za

All enquiries regarding bid documents must be directed to the SCM Office.

Supply Chain Management

Mrs. Zama
Adegboyega

NLSA

(012) 401 9773

zama.adegboyega@nlsa.ac.za

SBD1

**PART A
INVITATION TO BID**

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

BID NUMBER:	NLSA.IMPACT 04/2019	CLOSING DATE:	20 August 2019	CLOSING TIME:	11:00
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DESCRIPTION	PROFESSIONAL SERVICES TO CONDUCT THE CONDITIONAL GRANT IMPACT ASSESSMENT FOR PUBLIC AND COMMUNITY LIBRARIES.
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THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).

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

75 THABO SEHUME STREET, PRETORIA CBD

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			

	TCS PIN:		OR	CSD No:	
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B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No	OR	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No
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IF YES, WHO WAS THE CERTIFICATE ISSUED BY?			
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AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)
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APPLICABLE IN THE TICK BOX		
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)
	<input type="checkbox"/>	A REGISTERED AUDITOR
		NAME:

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]
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SIGNATURE OF BIDDER	DATE	
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CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
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TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
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BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO: TECHNICAL INFORMATION MAY BE DIRECTED TO:

DEPARTMENT/PUBLIC ENTITY	NLSA	CONTACT PERSON	Andrew Malotle
CONTACT PERSON	Zama Adegboyega	TELEPHONE NUMBER	012 401 9784
TELEPHONE NUMBER	012 401 9773	FACSIMILE NUMBER	
FACSIMILE NUMBER	086 650 8264	E-MAIL ADDRESS	

E-MAIL ADDRESS

zama.adegboyega@nlsa.ac.za

andrew.malotle@nlsa.ac.za

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED--(NOT TO BE RE-TYPED) OR ONLINE
- 1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
- 1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
- 1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.

2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.

2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?
 YES NO

3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? YES NO

3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?
 YES NO

3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO

IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

**PRICING SCHEDULE – FIRM PRICES
(PURCHASES)**

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of bidder.....	Bid number NLSA.IMPACT 04/2019
Closing Time 11:00	Closing date 20 August 2019

OFFER TO BE VALID FOR **90** DAYS FROM THE CLOSING DATE OF BID.

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY ** (ALL APPLICABLE TAXES INCLUDED)
----------	----------	-------------	---

- Required by:
- At:
- Brand and model
- Country of origin
- Does the offer comply with the specification(s)? *YES/NO
- If not to specification, indicate deviation(s)
- Period required for delivery
- *Delivery: Firm/not firm
- Delivery basis

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

** "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

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 Reference Number	Tax	State Employee Number / Persal 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

This document must be signed and submitted together with your bid

THE NATIONAL INDUSTRIAL PARTICIPATION PROGRAMME

INTRODUCTION

The National Industrial Participation (NIP) Programme, which is applicable to all government procurement contracts that have an imported content, became effective on the 1 September 1996. The NIP policy and guidelines were fully endorsed by Cabinet on 30 April 1997. In terms of the Cabinet decision, all state and parastatal purchases / lease contracts (for goods, works and services) entered into after this date, are subject to the NIP requirements. NIP is obligatory and therefore must be complied with. The Industrial Participation Secretariat (IPS) of the Department of Trade and Industry (DTI) is charged with the responsibility of administering the programme.

PILLARS OF THE PROGRAMME

1.1 The NIP obligation is benchmarked on the imported content of the contract. Any contract having an imported content equal to or exceeding US\$ 10 million or other currency equivalent to US\$ 10 million will have a NIP obligation. This threshold of US\$ 10 million can be reached as follows:

- (a) Any single contract with imported content exceeding US\$10 million. or
- (b) Multiple contracts for the same goods, works or services each with imported content exceeding US\$3 million awarded to one seller over a 2 year period which in total exceeds US\$10 million. or
- (c) A contract with a renewable option clause, where should the option be exercised the total value of the imported content will exceed US\$10 million. or
- (d) Multiple suppliers of the same goods, works or services under the same contract, where the value of the imported content of each allocation is equal to or exceeds US\$ 3 million worth of goods, works or services to the same government institution, which in total over a two (2) year period exceeds US\$10 million.

1.2 The NIP obligation applicable to suppliers in respect of sub-paragraphs 1.1 (a) to 1.1 (c) above will amount to 30 % of the imported content whilst suppliers in respect of paragraph 1.1 (d) shall incur 30% of the total NIP obligation on a *pro-rata* basis.

- 1.3 To satisfy the NIP obligation, the DTI would negotiate and conclude agreements such as investments, joint ventures, sub-contracting, licensee production, export promotion, sourcing arrangements and research and development (R&D) with partners or suppliers.
- 1.4 A period of seven years has been identified as the time frame within which to discharge the obligation.

REQUIREMENTS OF THE DEPARTMENT OF TRADE AND INDUSTRY

2.1 In order to ensure effective implementation of the programme, successful bidders (contractors) are required to, immediately after the award of a contract that is in excess of **R10 million** (ten million Rands), submit details of such a contract to the DTI for reporting purposes.

2.2 The purpose for reporting details of contracts in excess of the amount of R10 million (ten million Rands) is to cater for multiple contracts for the same goods, works or services; renewable contracts and multiple suppliers for the same goods, works or services under the same contract as provided for in paragraphs 1.1.(b) to 1.1. (d) above.

BID SUBMISSION AND CONTRACT REPORTING REQUIREMENTS OF BIDDER AND SUCCESSFUL BIDDERS (CONTRACTORS)

3.1 Bidders are required to sign and submit this Standard Bidding Document (SBD 5) together with the bid on the closing date and time.

3.2 In order to accommodate multiple contracts for the same goods, works or services; renewable contracts and multiple suppliers for the same goods, works or services under the same contract as indicated in sub-paragraphs 1.1 (b) to 1.1 (d) above and to enable the DTI in determining the NIP obligation, successful bidders (contractors) are required, immediately after being officially notified about any successful bid with a value in excess of R10 million (ten million Rands), to contact and furnish the DTI with the following information:

- Bid / contract number.
- Description of the goods, works or services.
- Date on which the contract was accepted.
- Name, address and contact details of the government institution.
- Value of the contract.
- Imported content of the contract, if possible.

3.3 The information required in paragraph 3.2 above must be sent to the Department of Trade and Industry, Private Bag X 84, Pretoria, 0001 for the attention of Mr Elias Malapane within five (5) working days after award of the contract. Mr Malapane may be contacted on telephone (012) 394 1401, facsimile (012) 394 2401 or e-mail at Elias@thedti.gov.za for further details about the programme.

PROCESS TO SATISFY THE NIP OBLIGATION

4.1 Once the successful bidder (contractor) has made contact with and furnished the DTI with the information required, the following steps will be followed:

- a. the contractor and the DTI will determine the NIP obligation;
- b. the contractor and the DTI will sign the NIP obligation agreement;
- c. the contractor will submit a performance guarantee to the DTI;
- d. the contractor will submit a business concept for consideration and approval by the DTI;
- e. upon approval of the business concept by the DTI, the contractor will submit detailed business plans outlining the business concepts;
- f. the contractor will implement the business plans; and
- g. the contractor will submit bi-annual progress reports on approved plans to the DTI.

4.2 The NIP obligation agreement is between the DTI and the successful bidder (contractor) and, therefore, does not involve the purchasing institution.

Bid number	Closing date:.....
Name of bidder.....	
Postal address	
.....	
Signature.....	Name (in print)
Date.....	

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL
PROCUREMENT REGULATIONS 2017**

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

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

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 exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for 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:

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	100

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

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	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

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: . =(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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted.....%

ii) The name of the sub-contractor.....

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

iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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

Designated Group: An EME or QSE which is at last 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
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-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years,

after the *audi alteram partem* (hear the other side) rule has been applied; and

(e) forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>
--

<p>..... SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p> <p>ADDRESS</p> <p>.....</p>
--

SBD 8

1. 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-
- abused the institution's supply chain management system;
 - committed fraud or any other improper conduct in relation to such system; or
 - failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>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>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <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>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>

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

CERTIFICATION

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

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

SBD 9

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.

SBD 9

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)

