



## NATIONAL LIBRARY OF SOUTH AFRICA

228 Johannes Ramakhoase Street  
Private Bag X397  
Pretoria  
0001

5 Queen Victoria Street  
Cape Town  
8001

### BID DESCRIPTION

PROCUREMENT OF ELECTRONIC MAIL COMMUNICATION FOR THE NLSA

**CLOSING DATE: 20 AUGUST 2019**

**TIME: 11H00**

### COMPULSORY BRIEFING SESSION (Pretoria Campus)

**DATE** : 02 AUGUST 2019  
**VENUE** : Auditorium  
**TIME** : 13H00

**NB.** Please note that Saturday will be treated as a normal working day. Should you want to deliver bid documents, please note that the NLSA opens at **08H00** and closes at **16H30**. 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](http://www.nlsa.ac.za))
- National Treasury website ([www.e-tenders.gov.za](http://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. OVERVIEW**

The NLSA is a world class African National Library and information hub. It is the mission of the NLSA to build, record, preserve, conserve and make available a complete South African documentary heritage fostering a reading nation towards an informed citizenry.

The NLSA is listed under Schedule 3A of the Public Finance Management Act, Act No. 1 of 1999 as amended (PFMA).

The NLSA seeks to source services from a credible service provider to supply, install and configure a secure electronic mail system at the NLSA.

## **2. INTRODUCTION**

The scope of the required services shall be limited to the supply, installation and configuration of a secure electronic mail system at the NLSA.

### **2.1. OBJECTIVES**

- To supply, install and configure electronic mail communication at the NLSA.

### **2.2 SCOPE OF WORK**

**The successful Bidder shall:**

- Propose a secure electronic mail system for the NLSA to improve communication.
- Install and configure the secure electronic mail system as per NLSA's requirements.
- Extract all existing email and/or including archived emails from the current system and move it to the proposed system. The number of users to be migrated from current system shall be provided by the NLSA.
- Ensure the flow of secure email externally and internally.
- Ensure that all NLSA users are able to send/receive emails.

- Ensure that administrator and end user training is provided to staff of NLSA. The administrator training shall only be provided to NLSA ICT staff.
- Ensure that the NLSA domain is not blacklisted on the MX (mail exchanger) records. Policies must be defined to ensure that the NLSA domain is secure and shall not be blacklisted.

### **2.3 SPECIFIC REQUIREMENTS**

The scope of the required services shall be limited to the National Library of South Africa and covers the supply, delivering, installation and configuration of the proposed hardware and services. The successful Bidder shall therefore provide the following:

- Electronic mail and calendar capability - Sync email, calendar, and contacts; access SharePoint sites; view and edit Microsoft Office documents with Microsoft Office Online using a browser on mobile communication devices running iOS, and Android operating systems.
- Instant Messaging, Voice, Video Chat application for business. The system should be able to host online meetings with audio, HD video and web conferencing over the Internet. Users should be able to join meetings with a single touch or click from the smartphone, tablet, or PC of choice.
- Yammer
- Office Apps Online
- Office Client/Desktop Apps
- Security and Back-up Features (Data Loss Prevention, Rights Management, eDiscovery)
- Cloud Archive for Email – Solution should use archiving and legal hold capabilities, plus unlimited storage, for compliance needs, use data loss prevention (DLP) policies and policy tips that educates users about additional compliance enforcement in email.
- Mailbox size should be 100GB per user and must be able to send up to 150mb of attachments
- Must include online storage that can be accessed from anywhere, on any device
- Easily share documents with others internal and external of the NLSA and control who can view and edit each file
- Business Support on a 24/7 basis for all IT issues
- Mailbox continuity
- Secure Email Gateway

- Solution must include managing user credentials and permissions and single sign-on and synchronisation with Active Directory
- Must support multi-layered detection engines and intelligence to protect email data and employees from malware, spam, phishing, and targeted attacks from the cloud.
- Cloud Archive for Email archives all inbound, outbound and internal email for instant searching by employees and administrators.
- Solution shall eliminate the impact of primary email system downtime, enabling uninterrupted email access for employees from any device.

## **2.4 EQUIPMENT REQUIREMENTS**

### **2.4.1 Warranty**

The solution is to be bundled with Business Support and include Email Support Plus during standard business hours.

### **2.4.2 Value Added Services**

Any other value added services offered by the Bidder, not specified by the NLSA, will not be paid for.

### **2.4.3 Project Management**

During the course of the project, the successful Bidder shall provide a dedicated project manager to liaise with the National Library of South Africa.

### 3. EVALUATION CRITERIA

#### Format of bids

The attached Bid documents must be completed and each page initialled by bidders' authorised representatives and witnesses. All the compulsory documents as listed below must be provided.

**NB: Failure to submit the documents listed on 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.**

#### 3.1.1 Pre-qualification of Bids (Stage 01)

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
- Fully completed SBD 3, SBD 6.1, SBD 8, SBD 4 and SBD 9 forms

### 3.1.2 Pre-qualification of Bids (Stage 02)

The product submitted must be fully compliant with the technical specification provided above in 2.3.

Description	Does it comply with the specification? <b>Yes / No</b>
<ul style="list-style-type: none"><li>• Electronic mail and calendar capability - Sync email, calendar, and contacts; access SharePoint sites; view and edit Office documents with Office Online using a browser on mobile communication devices running iOS, and Android operating systems</li><li>• Instant Messaging, Voice, Video Chat application for business. Should be able to host online meetings with audio, HD video, and web conferencing over the Internet. Join meetings with a single touch or click from the smartphone, tablet, or PC of your choice.</li><li>• Yammer</li><li>• Office Apps Online</li><li>• Office Client/Desktop Apps</li><li>• Security and Back-up Features (Data Loss Prevention, Rights Management, eDiscovery)</li><li>• Cloud Archive for Email – Solution should use archiving and legal hold capabilities, plus unlimited storage, for compliance needs. And use data loss prevention (DLP) policies and policy tips that educate your users for additional compliance enforcement in email.</li></ul>	

- |  |  |
|--|--|
| <ul style="list-style-type: none"><li>• Mailbox size should be 100GB per user and must be able to send up to 150mb of attachments</li><li>• Must include online storage that can be accessed from anywhere, on any device</li><li>• Easily share documents with others inside and outside the NLSA and control who can see and edit each file</li><li>• Business Support – 24/7 support for all IT issues</li><li>• Mailbox Continuity</li><li>• Secure Email Gateway</li><li>• Solution must include managing of user credentials and permissions. Single sign-on and synchronization with Active Directory</li><li>• Must support multi-layered detection engines and intelligence to protect email data and employees from malware, spam, phishing, and targeted attacks from the cloud</li><li>• Cloud Archive for Email archives all inbound, outbound and internal email for instant searching by employees and administrators</li><li>• Solution shall eliminate the impact of primary email system downtime, enabling uninterrupted email access for employees from any device</li></ul> |  |
|  |  |

**NB: Failure to submit the documents listed above shall result in the disqualification of your bid.**

In Stage 02, all bids which qualify in Stage 01 will be evaluated for functionality. The bid documents will be evaluated individually on score sheets by representatives of the Bid Evaluation Committee according to the evaluation criteria indicated below. The Evaluation Committee will allocate points out of 100 for functionality according to the criteria set out below. Bidders who fail to score **70 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*
- 2** = **Poor / inadequate** - *No satisfactory information / evidence not enough to substantiate, have not reached the technical requirements*
- 3** = **Average** - *Satisfactory and comply with at least the technical requirements*
- 4** = **Good** - *Fully meets the specification requirements and complies?*
- 5** = **Excellent** - *Fully meet the specification requirement and comply with 100 % of the requirements 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 above.**

### **3.1.3. Stage 03: Functionality Evaluation**

**The Following Functionality Criteria will be used:**

Any bidder who fails to score **70** out of **100** will not be evaluated in Stage 03 **Price and BEE evaluation** (80/20).



TOTAL POINTS ALLOCATED TO TECHNICAL			100
QUALIFYING THRESHOLD			
ITEM	EVALUATION CRITERIA	VALUES	WEIGHT
Proven Track Record	<p>Proven track record of similar work concluded:</p> <ul style="list-style-type: none"> <li>• Provide reference letters on official letterheads for electronic mail systems successfully installed.</li> <li>• Reference letters must include the following details: scope of project, quality of work done, project timeframes and efficiency of project team.</li> </ul>	<ul style="list-style-type: none"> <li>• No reference letters = 0 Points</li> <li>• Reference letter/s confirming 0% to less than 75% of the mentioned requirements = 0 Points</li> <li>• 1 Reference letter containing at least 75% of reference letter requirements = 1 Point</li> <li>• 2 Reference letters containing at least 75% of reference letter requirements = 2 Points</li> <li>• 3 Reference letter containing at least 75% of reference letter requirements = 3 Points</li> <li>• 4 Reference letters containing at least 75% of reference letter requirements = 4 Points</li> <li>• 5 Reference letters containing at least 75% of reference letter requirements = 5 Points</li> </ul>	30
Delivery Methodology	<p>Project Plan that clearly outlines the following:</p> <ul style="list-style-type: none"> <li>• Proposed delivery methodology</li> <li>• Time frames</li> <li>• Project team (clearly identify the team and the roles they will play)</li> <li>• Risk Management Plan outlining contingency plans</li> </ul>	<ul style="list-style-type: none"> <li>• No project plan = 0 Points</li> <li>• Project plan with 1 requirement addressed = 1 Point</li> <li>• Project plan with 2 requirements addressed = 3 Points</li> <li>• Project plan with 3 requirements addressed = 4 Points</li> <li>• Project plan with all requirements addressed = 5 Points</li> </ul>	30

<p>Experience of Technicians</p>	<p>Bidders are to submit evidence for:</p> <ul style="list-style-type: none"> <li>• Years of collective experience in Installation, Configuration and Deployment of email systems</li> <li>• Provide detailed CVs of the technicians indicating experience in similar projects with clear work description, employer, period of employment and contactable references</li> </ul>	<ul style="list-style-type: none"> <li>• No experience (collectively) of technicians = 0 Points</li> <li>• Technicians with collectively at least one year of relevant experience = 1 Point</li> <li>• Technicians with collectively at least two years of relevant experience = 2 Points</li> <li>• Technicians with collectively at least three years of relevant experience = 3 Points</li> <li>• Technicians with collectively at least four years of relevant experience = 4 Points</li> <li>• Technicians with collectively at least five years of relevant experience = 5 Points</li> </ul>	<p>10</p>
<p>Experience and certification of Team Leader</p>	<ul style="list-style-type: none"> <li>• Team leader's certification in email installation and configuration and years of experience. Please submit certified copies of certification.</li> <li>• Provide detailed CV of the team leader indicating experience in similar projects with clear work description, employer, period of employment and contactable references</li> </ul>	<ul style="list-style-type: none"> <li>• No certification and no experience = 0 Points</li> <li>• At least 1 Supervisor with certification and at least 1 year of relevant experience = 1 Point</li> <li>• At least 1 Supervisor with certification and at least 2 years of relevant experience = 2 Points</li> <li>• At least 1 Supervisor with certification and at least 3 years of relevant experience = 3 Points</li> <li>• At least 1 Supervisor with certification and at least 4 years of relevant experience = 4 Points</li> <li>• More than 1 Supervisor with certifications and at least 5 years of collective relevant experience = 5 Points</li> </ul>	<p>30</p>

## Respondent Own Evaluation Sheet (To be completed by the Respondent)

	<b>Proven Track Record</b>		<b>30</b>
1	<ul style="list-style-type: none"> <li>- Provide reference letter on letterhead for electronic mail systems successfully installed.</li> <li>- Reference letters must include the following details: scope of project, quality of work done, project timeframes, and efficiency of project team.</li> </ul>		
	Have you (the Respondent) substantiated your response?	YES	NO
	Indicate the corresponding paragraph/section/submission that specifically substantiates the response in your document.	e.g. Annexure A: Qualification	
	<b>Delivery Methodology</b>		<b>30</b>
2	<b>Project Plan that clearly outlines the following:</b> <ul style="list-style-type: none"> <li>- Proposed delivery methodology</li> <li>- Time frames</li> <li>- Project team</li> <li>- Risk Management Plan outlining contingency plans</li> </ul>		
	Have you (the Respondent) substantiated your response?	YES	NO
	Indicate the corresponding paragraph/section/submission that specifically substantiates the response in your document.	e.g. Annexure B: Qualification	
	<b>Technical Approach - Technicians</b>		<b>10</b>
3	<b>Bidders are to submit evidence for:</b> <ul style="list-style-type: none"> <li>- Years of collective experience in Installation, Configuration and Deployment of email systems</li> <li>- Provide detailed CVs of the technicians indicating experience in similar projects with clear work description, employer, period of employment and contactable references</li> </ul>		
	Have you (the Respondent) substantiated your response?	YES	NO
	Indicate the corresponding paragraph/section/submission that specifically substantiates the response in your document.	e.g. Annexure C: Qualification	
	<b>Technical Approach – Team Leader</b>		<b>30</b>
4	<ul style="list-style-type: none"> <li>- Team leader's certification in email installation and configuration and years of experience.</li> <li>- Please submit certified copies of certification.</li> <li>- Provide detailed CV of the team leader indicating experience in similar projects with clear work description, employer, period of employment and contactable references</li> </ul>		

<i>Have you (the Respondent) substantiated your response?</i>	<b>YES</b>	<b>NO</b>
<i>Indicate the corresponding paragraph/section/submission that specifically substantiates the response in your document.</i>	<i>e.g. Annexure C: Qualification</i>	

### 3. Submission of Bids

Bidders are required to submit their bids (both technical and financial) in one envelope. Five (5) copies of the bid must be submitted comprising of one (1) original and four (4) copies.

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 bidder may be disqualified.

The following information must be endorsed on the envelopes:

- Bid number
- Closing date
- Name of the bidder

### 4. ENQUIRIES

<b>Please refer all enquiries pertaining to the technical specification to:</b>			
<b>Project Manager: ICT</b>			
Mr. David Segalabutla	NLSA	(012) 401 9780	<a href="mailto:david.segalabutla@nlsa.ac.za">david.segalabutla@nlsa.ac.za</a>
<b>All enquiries regarding bid documents must be directed to the SCM Office:</b>			
<b>Supply Chain Management</b>			
Ms. Zama Adegboyega	NLSA	(012) 401 9773	<a href="mailto:zama.adegboyega@nlsa.ac.za">zama.adegboyega@nlsa.ac.za</a>

**SBD1**

**PART A  
INVITATION TO BID**

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

BID NUMBER:	<b>NLSA.EMAILS 04/2019</b>	CLOSING DATE:	<b>20 August 2019</b>	CLOSING TIME:	<b>11:00</b>
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DESCRIPTION **PROCUREMENT OF ELECTRONIC MAIL COMMUNICATION FOR THE NLSA**

**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	
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CELLPHONE NUMBER

FACSIMILE NUMBER	CODE		NUMBER	
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E-MAIL ADDRESS

VAT REGISTRATION NUMBER

	TCS PIN:		<b>OR</b>	CSD No:	
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B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>OR</b>	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?

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)
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TICK BOX			
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)	
	<input type="checkbox"/>	A REGISTERED AUDITOR	
		NAME:	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs&amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>			
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 ]
SIGNATURE OF BIDDER	.....	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE )	
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
DEPARTMENT/PUBLIC ENTITY	<b>NLSA</b>	CONTACT PERSON	David Segalabutla
CONTACT PERSON	Zama Adegboyega	TELEPHONE NUMBER	012 401 9780
TELEPHONE NUMBER	012 401 9773	FACSIMILE NUMBER	086 650 8264
FACSIMILE NUMBER	086 650 8264	E-MAIL ADDRESS	
E-MAIL ADDRESS	<a href="mailto:zama.adegboyega@nlsa.ac.za">zama.adegboyega@nlsa.ac.za</a>		<a href="mailto:david.segalabutla@nlsa.ac.za">david.segalabutla@nlsa.ac.za</a>

## 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](http://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 <b>NLSA.EMAILS 04/2019</b>
Closing Time <b>11:00</b>	Closing date <b>20 August 2019</b>

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

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

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

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

2.2 Identity Number: .....

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

2.4 Company Registration Number: .....

2.5 Tax Reference Number: .....

2.6 VAT Registration Number: .....

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

<sup>1</sup>"State" means –

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

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

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

2.7.1 If so, furnish the following particulars:

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

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

Position occupied in the state institution: .....

Any other particulars:

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

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

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

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

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

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

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

2.8.1 If so, furnish particulars:

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

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

2.9.1 If so, furnish particulars.

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

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

YES / NO

2.10.1 If so, furnish particulars.

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

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

YES/NO

2.11.1 If so, furnish particulars:

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

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

Full Name	Identity Number	Personal 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](mailto: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:

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

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:

**80/20**                      **or**                      **90/10**

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

Where

$P_s$  = Points scored for price of bid under consideration

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		
<b>OR</b>		
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.

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

.....
SIGNATURE(S) OF BIDDERS(S)
DATE: .....
ADDRESS .....
.....

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

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		

4.2	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)? <b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

**CERTIFICATION**

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

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

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

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

## SBD 9

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

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



**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_  
(Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_  
(Name of Institution)

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

I certify, on behalf of: \_\_\_\_\_ that:  
(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

- 6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
- 7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
- 8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
Signature Date

.....  
Position Name of Bidder

**NB: PLEASE DOWNLOAD GENERAL CONDITIONS OF THE CONTRACT FROM TREASURY WEBSITE AND NLSA WEBSITE, SUBMIT ALONG WITH**