



REQUEST FOR QUOTATION

The South African Qualifications Authority (SAQA) invites all interested parties to submit bids for the requirements stipulated below:

DOCUMENT NUMBER:	SAQA 0001/21 AS
RFQ ISSUE DATE:	09 December 2021
RFQ CLOSING DATE:	11:00 on 15 December 2021
RFQ VALIDITY PERIOD	60 Days (from RFQ closing date)
DESCRIPTION:	SUPPORT AND MAINTENANCE OF THE ELECTRONIC SAQA CERTIFICATE OF EVALUATION SYSTEM, INCLUDING ANY NEW DEVELOPMENTS FOR EIGHTEEN MONTHS (18 MONTHS)
PERIOD	Eighteen (18) months
BRIEFING SESSION	None
RESPONSES TO THIS RFQ SHOULD BE FORWARDED TO:	E-Mail Address: rfq@saqa.co.za
ENQUIRY	Mr Joshua Ntsioa E-Mail Address: intsioa@saqa.co.za

1. INTRODUCTION

- 1.1 The South African Qualifications Authority (SAQA) is a public entity listed in Schedule 3(A) of the Public Finance Management Act (PFMA). The National Qualifications Framework (NQF) Act, 67 of 2008, as amended, mandates SAQA to oversee the further development and implementation of the NQF, advance the objectives of the NQF and coordinate its three sub-frameworks.
- 1.2 In terms of section 13 (1)(m) of the NQF Act, SAQA provides a foreign qualifications evaluation and advisory service consistent with the Act. This service is given effect to by the *Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF, as amended (2017) (P&C)*. The P&C defines “evaluation of foreign qualifications” as “the process followed by SAQA to verify the authenticity of foreign qualifications and to compare foreign qualifications with South African qualifications registered on the NQF”.
- 1.3 On completion of the full process of verification and comparison, SAQA issues a SAQA Certificate of Evaluation in paper format (hereinafter ‘SCoE’). The SCoE conveys the recognition decision that applies to each foreign qualification stated on it. As stipulated in Sections 24, 25 and 26 of the P&C, the SCoE is the property of SAQA to which it holds the copyright, which it reserves the right to revoke, and which may not be misrepresented in any way.
- 1.4 In line with emerging technologies for digital certification, SAQA enhanced its issuing of the SCoE by entering into a contract with a service provider, to issue an electronic SCoE (hereinafter eSCoE). Alongside its broader goal of transitioning the evaluation service to a paperless environment, from 1 July 2021 SAQA moved and replace the SCoE with the eSCoE.
- 1.5 Currently, the SAQA service provider issues the eSCoE through the use of an Application Programming Interface (API), which enables the following:
- 1.5.1 The issuing and, when necessary, revocation of the eSCoE in **real-time**;
 - 1.5.2 The issuing of the eSCoE **on a [SAQA.org.za](https://www.saqaza.org.za) URL**, thus ensuring that qualification holders receive the eSCoE **directly** and as soon as it is issued by SAQA;
 - 1.5.3 The display of all eSCoEs on the **online application platform** of which the holders of the qualification are registered users; and

- 1.6 Going forward, SAQA needs to move to the in-house generation, management, and maintenance of the eSCoE to prevent repetitive bidding in compliance with the stipulations of the PFMA and Treasury Regulations.

2. CURRENT INTERNAL SUPPORTING SYSTEMS

Table 1: Current supporting IT system (confidential information)	
2.1 Database	<p>2.1.1 The Foreign Qualifications Evaluation and Advisory Services (FQEAS) system consist of two separate but interdependent databases that have the following purposes:</p> <ul style="list-style-type: none">• The online application database that captures information about applicants and qualification holders that want their foreign qualifications evaluated; and• The administrative database (Workflow) that keeps track of information processed during the evaluation workflow process. <p>2.1.2 Both databases are relational databases and developed using Microsoft SQL Server and are hosted on the same SQL Server instance. Stored procedures form the link between the databases and web applications.</p>
2.2 Web Applications	<p>2.2.1 The DFQEAS system uses two web applications to manage the foreign qualification evaluation process. Both applications are web applications developed in Java EE, Java (1.8) with Java Server Pages (JSP) and Struts2 as the development framework.</p> <p>2.2.3 The Workflow web application is hosted on a Microsoft Windows server and uses Apache Tomcat 7 and Java 1.8 as the delivery platform.</p>
2.3 Internet Connectivity	<p>SAQA is connected to the Internet using fibre optic cabling at a speed of 100Mbps that is regulated by a proxy server and firewall system.</p>

3. PURPOSE

The purpose of this Request for Quotation (RFQ) is to appoint a suitably qualified service provider to provide SAQA with the following for eighteen (18) months:

- 3.1 Support and maintenance of the existing eSCoE system, including any further development and enhancement; and
- 3.2 Transfer of the system/software/technology, or the rights thereto, to SAQA on agreed terms, followed by the transfer of skills to enable SAQA to operate and maintain the total system itself.

4. SCOPE OF SERVICE

The Service Provider must provide the service in line with service level standards, which will include the following:

- 4.1 Support and maintenance of the eSCoE, including any further development and enhancement; and
- 4.2 Transfer of the system/software/technology, or the rights thereto, to SAQA on agreed terms, followed by the transfer of skills to enable SAQA to operate and maintain the total system itself.

5. MINIMUM SERVICES LEVELS AND APPLICABLE PENALTIES

4.1 Support and maintenance of the eSCoE, including any developments.

Table 1: Support and maintenance of the eSCoE, including any developments			
Minimum Service Level Standards			
Service	Description	Target	Penalty
Support and maintenance of the eSCoE, including any further development and enhancement	5.1.1 Data / information protection	100% secure with no leaks/breaches (tampering)	Termination of contract and legal action
	5.1.2 System availability	99.95% availability per month	20% of monthly service delivery fee
	5.1.3 Certificate availability	100% real-time availability to all eligible clients	20% of monthly service delivery fee
	5.1.4 Issue resolution: certificates	Within four hours, unless otherwise agreed	20% of monthly service delivery fee
	5.1.5 Issue resolution: system	Within a maximum of 24 hours, unless otherwise agreed	20% of monthly service delivery fee
	5.1.6 Issue resolution report	Upon feedback of resolution	20% of monthly service delivery fee
	5.1.7 Progress reports	Monthly, within the first week of next month	10 % of monthly service delivery fee
	5.1.8 Transfer plan (to be approved by SAQA)	Submitted to SAQA within one month of award	20% of the skills transfer fee

6. PENALTY MAXIMUM LIMIT AND SERVICE DISPUTES

- 6.1 The maximum penalties will be limited to 20% of the total costs pertaining to the relevant service delivery, per incident.
- 6.2 Furthermore, should the 20% limit be reached four (4) times in any month during the contract period, then SAQA reserves the right to immediately enter into a Service Dispute, that may result in the termination of the contract.
- 6.3 Notwithstanding the aforementioned, and without prejudice to any other rights, SAQA has the right to enter into service disputes at any point in time with the view of contract cancellation. During a service dispute, the service provider shall continue to render services in accordance with these service levels.

A. EVALUATION CRITERIA

1. The bid will be evaluated in three (3) stages:

Stage 1: Administrative compliance and screening mandatory documents

Stage 2: Functionality evaluation

Stage 3: Price and B-BBEE

1.1. STAGE 1: ADMINISTRATIVE COMPLIANCE CHECKS

Bidders must ensure all standard bid documents are signed and the Central Supplier Database report or Unique Number or Supplier number from the CSD is attached to the proposal.

1.2. STAGE 2: FUNCTIONALITY EVALUATION

The functionality will be scored against the following criteria. Please note that where a “Minimum Rating to Qualify” for a criterion has been indicated, a bidder will be disqualified if the “Minimum Rating to Qualify” is not achieved.

1.3. STAGE 3: PRICE AND B-BBEE

FUNCTIONALITY: PHASE 1		
Criteria	Sub-criteria	Points
Proof of technical and/or professional capacity and service provider's experience in similar services (including reference letters) (The bidder must attach signed reference letter(s) and have provided these services at least for the past FIVE years to qualify for the indicated points.)	The Bidder must have provided these services at least for the past FIVE years in providing maintenance and support to platforms/systems that use technology to produce digital objects such as QR codes, badges, or seals. The reference letter(s) must bear the letterhead of the organisation where the services were provided and be signed by the relevant authority. NB: SAQA reserves the right to contact these organisations,	40

	<p>without prior notice to the bidder. The reference letter needs to highlight the extent to which the service provider has successfully completed similar work. -</p> <ul style="list-style-type: none"> • Bidder with no reference letters of similar services = 0 points • Bidder with one relevant reference letter of similar services = 5 points • Bidder with two relevant reference letters of similar services = 10 points • Bidder with three relevant reference letters of similar services = 15 points • Bidder with four relevant reference letters of similar services = 20 points • Bidder with five relevant reference letters of similar services = 25 points • Bidder with six relevant reference letters of similar services = 30 points • Bidder with seven relevant reference letters of similar services = 35 points • Bidder with eight and more relevant reference letters of similar services = 40 points <p>NB:</p> <p>Reference letters may not be replaced by letters of agreement, contracts, or purchase orders.</p>	
--	--	--

<p>Quality of methodology:</p> <p>A full methodology proposal must be attached including the cost and time calculations (To score points bidders must attach details on each of the sub-criteria points)</p>	<p>Describe, in detail, exactly how you propose to carry out all the activities to achieve the outcomes identified within the time mentioned in the Terms of Reference (total: 30 points)</p> <p>Identify any possible problems and risks that might hinder the delivery of all aspects of the service and indicate how you will avoid or overcome such problems.</p> <p>(Total: 15 points)</p> <p>Describe how the full scope of work will be managed</p> <p>(Total: 15 points)</p>	<p>30</p>
<p>Experience of bidder's key personnel that will be assigned to the contract:</p> <p>Members of the project team must demonstrate that they have the necessary experience to meet the requirements and specifications of this RFQ.</p> <p>(Bidders must attach CV's, copies of qualifications and years of experience for key personnel to qualify for points)</p>	<p>The Curriculum Vitae (CV) and Qualifications of the senior developer will be used for allocation of points as follow:</p> <ul style="list-style-type: none"> • Key personnel with no relevant working experience and qualifications = 0 points • Key personnel with 1-year relevant working experience and qualifications = 5 points • Key personnel with 2 years relevant working experience and qualifications = 10 points • Key personnel with 3 years relevant working experience and qualifications = 15 points • Key personnel with 4 years relevant working experience and qualifications = 20 points • Key personnel with 5 and more years relevant working experience and qualifications = 30 points <p>N/B:</p> <p>Bidders are required to submit a list of all team member's credentials who will be involved in the project (attaching their CV's and qualifications) and clearly specify who the Key personnel is.</p>	<p>30</p>

--	--	--

7. MINIMUM SCORING

- In order to qualify to be evaluated for the phase following functionality, a bidder must have obtained a minimum of 80 points out of the total points after functionality evaluation.
- The qualifying bids will be evaluated in accordance with the 80/20 preference point system, as contemplated in the Preferential Procurement Policy Framework Act (Act 5 of 2000), Preferential Procurement Regulation 2017.

7.1 Stage 3: Price and B-BBEE Evaluation

This will be evaluated in terms of the 80/20 system as prescribed by the Preferential Procurement Regulations 2017, only price and B-BBEE will be considered for the companies that passed through stage 2

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

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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

C. SPECIAL CONDITIONS

1. Bidders must state their National Treasury (CSD) Central Supplier Database's Supplier Number or Unique number and Tax Pin in their bids in order to enable SAQA to confirm suppliers' tax status.
2. Bidders are required to submit a valid certified copy of B-BBEE certificate or Sworn Affidavit for EMEs and QSEs as per the B-BBEE Act. SANAS Logo should be visible on the B-BBEE Certificate.
3. Bidders must complete, sign and submit SBD 4, SBD 6.1, SBD 8 AND SBD 9 forms.
4. The proposal and required documents must be submitted through email.
5. All RFQs will be evaluated either in terms of the 80/20 system prescribed by the Preferential Procurement Requisitions 2017 or price only based on its threshold.

All quotations duly lodged will be examined to determine compliance with bidding requirements and conditions. Quotations with obvious deviations from the requirements/conditions may be eliminated from further adjudication.

8. PRICING SCHEDULE (VAT INCLUSIVE)

THE PRICE SCHEDULE FOR THE SUPPORT AND MAINTENANCE OF THE ELECTRONIC SAQA CERTIFICATE OF EVALUATION SYSTEM, INCLUDING ANY NEW DEVELOPMENTS FOR EIGHTEEN MONTHS (18 MONTHS).

KINDLY PROVIDE FIRM PRICING FOR THE PERIOD.

TOTAL COST OF OWNERSHIP BREAKDOWN		
ITEM DESCRIPTION	MONTHLY RATES	TOTAL PRICE (18 months)
Providing support and maintenance	R	R
Possible development and enhancement of system	R	R
Technology and skills transfer to SAQA	R	R
TOTAL PRICE (VAT AND ALL DISBURSEMENTS INCLUDED FOR EIGHTEEN MONTHS (18 Months)		R

I. DECLARATION

- The undersigned, who warrants that he/she is duly authorised to do so on behalf of the firm, affirms that:
- 1 the information furnished is true and correct
 - 2 the Equity Ownership claimed is in accordance with this Certificate of Preference
 - 3 the necessary documentary proof, like certified copies of the Founding Statement, Certificate of Incorporation, Partnership Agreement, Joint Venture Agreement, Trustee appointments, Agent's proxies and other documents required to substantiate the Tenderer's claim, accompanies the Quotation.
 - 4 authority for signatory, if not elsewhere provided in the documentation, is established by attaching a copy of the relevant resolution by his/her Board of Directors, Members or Partners, duly signed and dated.

DATED THIS DAY OF 2021

SIGNATURE OF PERSON/S AUTHORISED TO SIGN THE QUOTATION:

1.

NAME AND CAPACITY OF SIGNATORY/IES:

1.

REGISTERED NAME OF COMPANY/SUPPLIER: - **(IN BLOCK LETTERS)**

.....

ADDRESS:

.....

TELEPHONE NO:

EMAIL ADDRESS:

SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). 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, member):
 - 2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:
 - 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 attach proof of such authority to the bid document? **YES / NO**

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

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

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

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

2.8.1 If so, furnish particulars:

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

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

2.10.1 If so, furnish particulars.

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

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

2.11.1 If so, furnish particulars:

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

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

Full Name	Identity Number	Personal Tax Number	Income Reference	State Number Number	Employee / 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 SHOULD THIS DECLARATION
PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

SBD 6.1

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

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

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 **not exceed** R50 000 000 (all applicable taxes included) and therefore the 80/20. preference point system shall be applicable; or
- b) The 80/20 preference point system will be applicable to this tender (*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	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

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 authorised 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

P_t = Price of bid under consideration

P_{\min} = 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.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

SBD 8**DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

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

Js365bW

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 authorises accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of:_____that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorised 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 authorised 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 organisation, 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

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.

6. 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.
7. 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.
 8. 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

Js914w 2