

<b>COMPANY NAME:</b>	ONDERSTEPOORT BIOLOGICAL PRODUCTS
<b>TENDER DESCRIPTION:</b>	REQUEST FOR PROPOSAL: Service for Compilation of the Annual Financial Statements for a period of 7 Months at Onderstepoort Biological Products SOC LTD
<b>COMPULSORY BRIEFING SESSION:</b>	
<b>CLOSING DATE:</b>	<b>9 December 2024</b>
<b>CLOSING TIME:</b>	<b>13H00</b>
<b>RESPONSES MUST BE HAND DELIVERED/COURIERED TO:</b>	ONDERSTEPOORT BIOLOGICAL PRODUCTS SOC LTD 100 OLD SOUTPAN ROAD, ONDERSTEPOORT PRETORIA  NO FAXED OR E-MAILED BIDS WILL BE CONSIDERED
<b>ATTENTION:</b>	THE SUPPLY CHAIN MANAGER
<p>N.B. ALL TENDERERS MUST ENSURE THAT THEY SIGN THE TENDER SUBMISSION REGISTER THAT WILL BE KEPT AT THE RECEPTION AREA AT OBP UPON SUBMISSION OF THEIR BID</p> <p><b>Take Note</b></p> <p><b>Government Procurement: all quotations , proposal or bids of goods and services are subject to the General conditions of Contract July 2010</b></p>	

## TENDERING STRUCTURE

Indicate the type of Bidding Structure by marking with an 'X':	
Individual Bidder	
Joint Venture	
Consortium	
Using sub-contractors	
Other	

If individual bidder, indicate the following:	
Name of bidder	
Registration Number	
VAT Registration Number (If applicable)	
Contact Person	
Telephone Number	
Fax Number	
E-mail address	
Postal Address	
Physical Address	

If Joint Venture/Consortium, indicate the following:	
Name of prime contractor	
Registration Number	
VAT Registration Number (If applicable)	
Contact Person	
Telephone Number	
Fax Number	
E-mail address	
Postal Address	
Physical Address	

If Joint Venture/Consortium, indicate the following: (To be completed for each JV/Consortium Member)	
Name of Joint Venture/Consortium	
Registration Number	
VAT Registration Number (If applicable)	
Contact Person	
Telephone Number	
Fax Number	
E-mail address	
Postal Address	

Physical Address	
<b>If using subcontractors, indicate the following:</b>	
Name of prime contractor	
Registration Number	
VAT Registration Number (If applicable)	
Contact Person	
Telephone Number	

## ABREVIATIONS

Abbreviations	Meaning of Abbreviations	Abbreviations	Meaning of Abbreviations
BBBEE	Broad Based Black Economic Empowerment	ACCA	Associate Chartered Certified Accountants
OBP	Onderstepoort Biological Products	CA	Chartered Accountant
RFP	Request for Proposal	CTA	Certificate in Theory of Accounting
ID	Identification Document	CIMA	Chartered Institute of Management Accountant
AO/AA	Accounting Officer/ Accounting Authority	IRBA	Independent Regulatory Board for Auditors
DA	Department of Agriculture	IAS	International Accounting Standards
SARB	Service Approval review Board	SAICA	South African Institute of Chartered Accountants
VAT	Value Added Tax	GMP	Good Manufacturing Practices
SABS	South African Bureau of Standards	COID	Compensation for Occupational Injuries and Diseases
NPA	National Prosecuting Authority	CSD	Central Supplier Data Base (National Treasury)
SBD	Standard Bidding Document	ERP	Enterprise Resource Planning
SHE	Safety Health and Environment	CIDB	Construction Industry Development Board GMP
EMO	Environmental Management Office	AFS	Annual Financial Statement
OHS	Occupational Health and Safety	ECL	Expected Credit Losses
NEM	National Environment Management	IFRS	International Financial Reporting Standard
EMU	Engineering Maintenance unit CU Clinical Unit	UP	University of Pretoria Onderstepoort Faculty

**Kindly Note that:**

1. Should all these documents not be included, the bidder will be disqualified on the basis of non-compliance.
2. The same documents must be submitted for all other companies that are involved in the tender in case of a consortium.

**Checklist of compulsory documents to be submitted - Please tick in the relevant block below**

YES	NO	Compulsory Documents
		One original tender document and <b>3</b> copies
		Proof that the service provider is registered with CSD and must be tax compliant for South African Companies Foreign /International companies must complete SBD1
		List and letters of references for past and present clients. Company Name/ Department, contact person, Telephone Number, and e-mail address must be on the letter head of the client.
		Company profile indicating financial status of the company's last audited financial report.
		The bidder must have operations and Office within Gauteng region
		The bidder must have more than 10 years' experience providing financial accounting, advisory, audit and assurance services to public sector entities, provide a letter certified under commissioner of oath to support this information above.
		The company must be registered with SAICA or IRBA, and a valid certificate must be provided
		Engagement Partner must be a registered CA/RA(SA) with 5+ years of experience as Engagement partner, copies of certificate must be provided
		Project Manager must be a registered CA(SA) with 5 years' experience as manager, and copies of certificates must be provided
		Additional staff (Max 3 additional) must have a minimum completed post grad qualification in accounting (CTA, CIMA, ACCA, CA(SA)), completed articles, coupled with minimum 3 years' experience. Certified copies of certificates must be provided.
		Detailed CVs of the engagement team, ID copies, copies of certificates of completed qualifications and certificate of professional membership(s). All copies must be certified
		Minimum of 2 years' experience providing Financial Accounting, advisory, assurance and audit services in Manufacturing sector entities. References must be provided
		Minimum of 2 years' experience providing Financial Accounting, advisory, assurance and audit services in State-owned Companies (SOCs). References must be provided

**Signed:**

\_\_\_\_\_

**Name in Print:**

\_\_\_\_\_

**Capacity:**

\_\_\_\_\_

**Date:**

\_\_\_\_\_

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## 1. **CONDITIONS AND UNDERTAKINGS BY TENDERER**

- 1.1 **The Tender forms should not be retyped or redrafted, but photocopies may be prepared and used.** However, only documents with the original signature in black ink shall be accepted.
- 1.1.1 Black ink should be used when completing Bid documents.
- 1.1.2 Bidders should check the numbers of the pages to satisfy themselves that none is missing or duplicated. OBP will accept NO liability in regard to anything arising from the fact that pages are missing or duplicated.
- 1.2 I/We hereby tender to supply all or any of the supplies and/or to procure all or any of the services described in the attached documents to OBP on the terms and conditions and in accordance with the specifications stipulated in the Tender documents (and which shall be taken as part of, and incorporated into, this Tender) at the prices inserted therein.
- 1.3 I/We agree that -
- 1.3.1 The offer herein shall remain binding upon me/us and open for acceptance by OBP during the validity period indicated and calculated from the closing hour and date of the Tender.
- 1.3.2 the laws of the Republic of South Africa shall govern the contract created by the acceptance of my/our Tender and that I/we choose domicilium citandi et executandi in the Republic as indicated below; and
- 1.4 I/We furthermore confirm that I/we have satisfied myself/ourselves as to the correctness and validity of my/our Tender that the price(s) and rate(s) quoted cover all the work/item(s) specified in the Tender documents and that the price(s) and rate(s) cover all my/our obligations under a resulting contract and that I/we accept that any mistakes regarding price(s) and calculations will be at my/our risk.
- 1.5 I/We hereby accept full responsibility for the proper execution and fulfillment of all obligations and conditions devolving on me/us under this Tender as the Principal(s) liable for the due fulfillment of this contract.

---

Signature(s) of Tenderer or  
assignee(s)

Date

---

Name of signing person (in block  
letters)

---

Capacity

---

Are you duly authorized to sign this  
Tenderer?

---

Name of Tenderer [company name]  
(in block letters)

---

Postal address (in block letters)

Domicilium citandi et executandi in the RSA (full street address of this place) (in block letters)

.....

.....

.....

.....

.....

Telephone Number: .....

FAX Number.....

Cell Number.....

## 2. TENDER CONDITIONS

- 2.1 Tenderers shall provide full and accurate answers to all questions posed in this document and are required to explicitly state either "Comply" or "Not Comply" or "Partial" (with a ✓) regarding compliance with the requirements. Where necessary, the tenderer shall substantiate their response to a specific question.
- 2.2 A "✓" under "Accept" will be interpreted as full compliance/acceptance to the applicable paragraph. A "✓" under "Accept" will be interpreted that the tenderer/s has/have read and understood the paragraph, but the tenderer does **not accept** the content of the applicable paragraph.
- 2.3 The following Tender conditions will govern the contract between the OBP and the successful tenderer:

Requirement	ACCEPT	NOT ACCEPT
2.3.1 Tenderers are invited to offer the Services/Products in accordance with the attached Specifications and the conditions within this document.		
2.3.2 Fully comprehensive service documentation shall be supplied in English by each Tenderer, which shall explicitly and detail, describe the service/s offered. This documentation shall include sufficient detail to clearly give the reader a precise and unambiguous description of the service/s offered. Incomplete or incomprehensive service documentation will result in rejection of the offer.		
2.3.3 Tenderer's name and address should clearly appear on the outside of tender documents and on envelope.		
2.3.4		



OBP reserves the right to evaluate and consider any Tenders that do not comply strictly to this RFP.		
<p>2.3.5</p> <p>Acceptance of any Tenders will only indicate, without any obligations on the part of either OBP and/or a Tenderer, the willingness of such parties to enter into negotiations, which may or may not result in a contract/order as the case may be.</p>		
<p>2.3.6</p> <p>OBP reserves the right to make a selection solely on the information received in the Tenders or to negotiate further with one or more Tenderer/s.</p>		
<p>2.3.7</p> <p>The Tenderer/s selected for further negotiations, if any, will be chosen on the basis of the greatest benefit to OBP and not necessarily on the basis of lowest price or any other criteria.</p>		
<p>2.3.8</p> <p>Should OBP consider it necessary, the Tenderer/s shall agree to an inspection of the resources and works of the Tenderer, if so required?</p>		
<p>2.3.9</p> <p>Once OBP shortlist bidders after evaluation, OBP will visit the Tenderer/s customer Office/ site.</p>		
<p>2.3.10</p> <p>OBP reserves the right:</p> <ul style="list-style-type: none"> <li>- to cancel this Request at any time.</li> <li>- not to accept any Tender.</li> <li>- to accept one or more Tenders for further negotiation and.</li> </ul>		

- to contact any Tenderer during the evaluation period, to clarify information only, without informing any other Tenderer.		
2.3.11 The specifications are the intellectual property of OBP.		
2.3.12 The Procuring of the Services shall not take place until OBP has given final approval of all procedures.		
2.3.13 In the event that modifications, clarifications, or additions to the RFP become necessary, all Tenderers will be notified, in writing, addenda to this RFP.		
2.3.14 All costs incurred in the preparation, presentation and demonstration of the response shall be for the account of the Tenderer. All supporting documentation and manuals submitted with RFP will become OBP property unless otherwise stated by the Tenderer/s at the time of submission.		
2.3.15 Any material submitted by the Tenderer/s, which is considered to be confidential in nature, must be clearly marked as such.		
2.3.16 OBP will evaluate the bids against the following criteria: <ul style="list-style-type: none"> <li>• Compliance to the Specifications</li> </ul>		

<ul style="list-style-type: none"> <li>• Compliance to Functionality</li> <li>• Price</li> <li>• BBEE</li> <li>• Compliance to Bid Condition</li> </ul>		
2.3.17 Payments of services rendered will be done 30 days after receipt of statement(s)		

## 2.4 REASONS FOR DISQUALIFICATION

2.4.1. OBP reserves the right to disqualify any Tenderer which does any one or more of the following, and such disqualification may take place without prior notice to the offending tenderer, however the tenderer shall be notified in writing of such disqualification:

- Tenderers who are blacklisted.
- Tenderers who are not registered on Central Supplier Database. / Not applicable to international companies
- Tenderers who submitted incomplete information and documentation according to the requirements of this RFP.
- Tenderers who submitted information that is fraudulent, factually untrue, or inaccurate, for example memberships that do not exist, BBEE credentials, experience, etc.
- Tenderers who received information not available to other vendors through fraudulent means.
- Tenderers who in the past abused OBP's procurement system:
- Tenderers who failed to perform on their previous contracts with OBP or any of their references
- Tenderers that do not have the relevant Qualification will be disqualified.

2.4.2. No Tenders from any Tenderer with offices within the RSA shall be accepted if sent via the Fax or e-mail. However, Tenders from international bidders with no office or representation in the RSA shall be accepted if received via the Fax or e-mail before the closing date and time. Such Tenders shall not be made available for evaluation until the

original signed documentation is received within three (3) working days after the closing date, otherwise the Bid shall be disqualified. International bidders must submit proof that they do not have any offices or representation in South Africa.

## 2.5 ENQUIRIES

Enquiries regarding this Request for Bid should be submitted via e-mail to:

**indhir@obpvaccines.co.za**. Such queries must be sent at least **Four (4)** working days before the closing date. OBP cannot guarantee that queries received after that date can be answered before the Tender closing date.

## 3. SPECIFICATION:

### 3.1 BACKGROUND

The OBP has experienced poor audit outcomes for the past two years and below targeted performance. As such OBP needs to find mechanisms and transform operations, to improve audit outcomes –

OBP received qualifications relating to:

- Inventory/cost of sales
- Assets
- Forex gains and losses
- Appreciation of deferred grants
- Statement of cash flows
- Statement of changes in equity

### Inventory

The costing system in OBP serves a strategic function for the business. It plays a vital role as understanding costs leads to better decisions. Costing of production is a critical component of the OBP manufacturing process. The production process consists of materials, labor and overheads.

A costing system serves as a compass, offering valuable insights into the financial implications of various endeavors across diverse domains and sectors. A best-in-class costing system: Empowering decision-making at every turn.

Historically, OBP has experienced challenges in the costing of its production process due to systems not fit for purposes.

OBP requires the service provider to assist in the costing of inventory in accordance with International Financial Reporting Standards (IFRS) based on end-to-end analysis and understanding of the production process.

The service provider is required to ensure valid, accurate and complete Inventory accounting and disclosure ensuring the following:

- Inventory count reports;
- Obsolete inventory;
- Impairment;
- Review and enhancement of the Inventory policy to comply with IFRS and PFMA;
- Experimental animals accounting consideration as inventory;
- Full accounting for the above including journals (to be authorised by CFO);
- Accurate, complete and valid reporting and disclosure in the Annual Financial Statements of Inventory in accordance with IAS2

## **Assets**

The service provider is required to ensure complete, accurate and valid Asset Management in accordance with IAS 16 by ensuring the following:

- Asset verification;
- Accurate, valid and complete Asset register with minimum details such as:
  - date of acquisition;
  - Purchase price;
  - Revalued amount;
  - Useful life period;
  - depreciation period/write off period aligned to IAS16;
  - Tenure i.e. Lease or freehold;
  - Location;
  - Responsible OBP staff;
  - Responsible OBP business section.
- Barcoding of assets;

- Consideration of useful lives and residual values in accordance with IAS16;
- Impairment considerations of all assets including GMP assets in accordance with IAS16;
- Review and enhancement of the Asset policy to comply with IAS16 and PFMA;
- Biological assets accounting, reporting and disclosure in accordance with IAS16;
- Full accounting for the above including journals prepared by service provider (to be authorised by CFO);
- Reporting and disclosure of Assets in accordance with IAS16.

### **Appreciation of grants**

- Calculation of the appreciation of grants in accordance with IAS 20;
- Accounting, reporting and the disclosure of grants in accordance with IAS 20 in the Annual Financial Statements.

### **Forex gains and losses**

- Review the calculations of forex gains and losses (realised and unrealised) at inception, month end translation rates, year-end translation rate and payment date;
- Detailed supporting calculations for forex gains and losses (realised and unrealised) in accordance with IAS21;
- Ensure that the calculation, presentation and disclosure of forex gains and losses are in accordance with IFRS;

### **Debtors**

- Review of the sales and debtors policy;
- Review of the debtors age analysis;
- Compilation of an Expected Credit Loss (ECL) model in accordance with IFRS9;
- Calculation of the provision for doubtful debts.

### **Statement of cash flows**

- Compilation of the statement of cash flows in accordance with IAS7;

- Proper disclosure of forex gains and losses;
- Detailed supporting calculations for the statement of cash flows;
- Reporting and disclosure of the statement of cash flows in accordance with IAS7.

### **Statement of changes in equity**

- Compilation of the statement of equity in accordance with IAS1;
- Detailed supporting calculations for the statement of changes in equity;
- Reporting and disclosure of the statement of changes in equity in accordance with IAS1.

### **Annual Financial Statements**

- Compilation of complete Annual Financial Statements in compliance with IFRS and PFMA on CaseWare including all disclosure notes;
- Compilation of supporting documentation to the AFS;
- Compilation of supporting schedule to the AFS including reconciliations thereto;
- Computation of taxation (current and deferred) to the AFS;
- Full accounting for the above including journals (to be authorised by CFO).

### **Responsibilities:**

**The service provider is expected to possess the following attributes:**

### **Key deliverables**

- Accurate costing of OBP inventory and cost of sales (manual or automated) taking into account current systems and compilation of the AFS in accordance with IFRS by 7<sup>th</sup> May 2025;
- Accurate, complete and valid reporting and disclosure in the Annual Financial Statements of Inventory in accordance with IAS2;
- Valid, accurate, complete reporting and disclosure and Assets in accordance with IAS16;
- Valid, accurate, complete reporting and disclosure of forex gains and losses (realized and unrealized) in accordance with IAS21;
- Accounting, reporting and the disclosure of grants in accordance with IAS 20;
- Accurate, complete and valid reporting and disclosure in the Annual Financial Statements of

Inventory in accordance with IAS2;

- Accurate Reporting and disclosure of the statement of changes in equity in accordance with IAS1;
- Reporting and disclosure of the statement of cash flows in accordance with IAS7;
- Reporting and disclosure of Fruitless and Wasteful and Irregular expenditure in accordance with PFMA and latest Treasury Directives;
- A full set of AFS in compliance with IFRS and PFMA;
- Resolution of audit findings in accordance with the Audit Action Plan as compiled by Management;
- Assist with response to audit findings.

*Key attributes of process:*

- *Governance and legislative requirements*
- *Standards (IFRS)*
- *ISO considerations*
- *Ethical and professional behavior*

### 3.2 Evaluation criteria

The request for this service will be evaluated based on the following stages.

#### 3.2.1 Compulsory documents

Template for list of references to be completed compulsory requirements

Company Name	Contract person	Tel/cell number	Email address	Company Website address	Value of contract



## Stage 1: Check for compulsory documents

All documents indicated on page 4 must be submitted, (missing) documents which is incomplete will result in automatic disqualification.

### 3.2.2 Functionality

Aspect	Functionality Criteria	Weight	Means of Verification
Previous experience	<p>Capacity, qualifications, and experience (enclose CVs of individuals who will be involved in this project)</p> <ul style="list-style-type: none"> <li>• Company level experience of 10 years' experience in providing financial accounting, advisory and audit and assurance services. Max = 5 points, 0 points if criteria not met.</li> <li>• Partner or Director with CA/RA(SA) ) and 10 years' relevant experience = 5 points <ul style="list-style-type: none"> <li>○ Of which 5 years is in the public sector = 5 points</li> <li>○ Of which 3 years' experience in the manufacturing industry = 5 points</li> </ul> 0 point if criteria not met.</li> <li>• Manager with CA(SA)and 5 years' relevant experience in the public sector =5 points <ul style="list-style-type: none"> <li>○ Of which 2-year experience must be in the manufacturing industry = 5points</li> </ul> 0 point if criteria not met.</li> <li>• At least 3 Additional staff with a recognised relevant post-grad qualification/s in Accounting Sciences, completed Articles and 3 or more years financial accounting experience,= 15 points. 0 points if additional staff criteria not met.</li> </ul>	50	Certified copies of qualification certificates, CVs and experiences.

	<ul style="list-style-type: none"> <li>• Proof of registration of the Company and staff with the SAICA, CIMA,IRBA or ACCA = 5 points, 0 points if criteria not met</li> </ul>		
	<ul style="list-style-type: none"> <li>• List of five contactable references in the past five-year period for compilation of IFRS and PFMA compliant Annual Financial Statements successfully undertaken in the public sector. References must not be older than 5 years and must include the following information, amongst others: <ul style="list-style-type: none"> <li>• Name of the client,</li> <li>• Contact details.</li> <li>• Dates when work was performed.</li> <li>• Nature of the work undertaken.</li> <li>• Value of the work undertaken.</li> </ul> Max = 10 points, 0 points if criteria not met</li> <li>• List of two contactable references in the past 5-year period dealing with Foreign Transactions (Forex) Accounting. State the following: <ul style="list-style-type: none"> <li>• Name of the client,</li> <li>• Contact details.</li> <li>• Dates when work was performed.</li> <li>• Nature of the work undertaken.</li> <li>• Value of the work undertaken.</li> </ul> Max= 5 points, 0 points if criteria not met</li> <li>• List of two contactable references in the past 5-year period where bidder provided financial accounting, or audit and assurance to manufacturing entities on the client's letterhead <ul style="list-style-type: none"> <li>• Name of the client,</li> <li>• Contact details.</li> <li>• Dates when work was performed.</li> <li>• Nature of the work undertaken.</li> <li>• Value of the work undertaken.</li> </ul> =5 points, 0 points if criteria not met</li> </ul>	20	References

Methodology and approach	<p>The methodology and approach must illustrate how the service provider is going to recommend and advise on how implementation of recommendation to OBP staff and how the service provider is going to add value to the OBP so that it can contribute to the improvement of the OBP's overall performance.</p> <ul style="list-style-type: none"> <li>• Preparation of IFRS and PFMA Compliant Annual financial statements and supporting schedules = 5 points, 0 points if criteria not met</li> <li>• Methodology and approach on Inventory in production and determination of cost of sale, including financial data cleansing on Inventory and Cost of sale accounts = 5 points, 0 points if criteria not met</li> <li>• Methodology and approach on non-current assets, depreciation recalculations, assessment and reassessment of assets useful lives, and Expected Credit Loss model on trade receivables valuation = 5 points, 0 points if criteria not met</li> <li>• Forex accounting including realised and unrealised gains or losses methodology = 5 points, 0 points if criteria not met</li> <li>• Grants Accounting methodology = 5 points, 0 points if criteria not met</li> <li>• Resolution of audit findings methodology = 5 points, 0 points if criteria not met</li> </ul>	30	Project execution plan
Total		100	

## Stage 2: Evaluation for functionality

Interested service provider must obtain a minimum score of 80 of functionality to be eligible for evaluation in stage two. The following will be used as a criterion and the minimum points of each criterion which are indicated in the table below:

Bidders that meet the functionality criteria will move to the next stage.

## Stage 4: Price and BBBEE

### Price and BBBEE

#### Evaluation of Price and Preference

All Bids will be evaluated on a points system based on weighted average score for Price and Preference as per Preferential Procurement Framework Act of 2000 (Act 5 of 2000).

Preference Point allocation – 80/20	
Price / Preference	Weighting percentage
Preference:	20%
Price:	80 %
Total must equal:	100%

OBP Onderstepoort Biological Products will award preference points as follows: <b>Specific Goal</b>	Points	Evidence required	Yes/No
Historically disadvantaged by unfair discrimination on the basis of Race	10	A valid BBBEE Certificate showing at least 51% black ownership	
Historically disadvantaged by unfair discrimination on the basis of Gender (women)	8	A valid BBBEE Certificate showing at least 30% women ownership	
Historically disadvantaged by unfair discrimination on the basis of disability	2	A doctor's note confirming disability, confirmation of disability from the Department of Labour, BEE certificate or equivalent confirmation.	
<b>Total points</b>	<b>20</b>		

The evaluation for Price and BBBEE shall be based on the **80/20** PPPFA principle and the points for evaluation criteria are as follows:

Evaluation Criteria		Points
1.	Price	80
2.	Specific goals	20
3.	Total	100

#### 4. Validity of Bids

The prospective tenderer is required to confirm that it will hold its Bid valid for 90 Days from the closing date of the submission of Bids. All the Bids shall be quoted in South African Currency (Rand) and remain valid for 90 days after closure of the tender.

**5. PRICING SCHEDULE** –The following maximum hours **MUST** be considered for pricing for the duration of the Bid.

- Engagement Partner/ Director/ Senior Manager hours not exceeding 300 hours
- Engagement Manager hours not exceeding 1 500 hours
- Additional engagement team (maximum of 3 additional staff) hours not exceeding 1 738 hours each
- Bidders may consider AGSA rates as per approved circular for 2024/2025, where possible.
- Recoverable on-pocket expense is limited ONLY to travelling by road expense from Bidder's office located within Gauteng to registered OBP office, reimbursed using approved SARS rate per travelled kilometer

**All pricings must be fixed amounts and should be in Rand.**

- Provide a complete Price Schedule with detailed breakdown.

1.	Description	Price (Excl. Vat)
1		
2		
3		
4		
	<b>TOTAL COST</b>	
	<b>VAT at 15%</b>	

	<b>TOTAL COST INCLUDING VAT</b>	
--	---------------------------------	--

**Signed**

\_\_\_\_\_

**Name in Print:**

\_\_\_\_\_

**Capacity:**

\_\_\_\_\_

**Date:**

\_\_\_\_\_

## 6. DECLARATION OF INTEREST BY TENDERER SBD4

### BIDDER'S DISCLOSURE

#### 1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

#### 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise,

employed by the state?

**YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

<sup>1</sup> the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.


2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....  
 .....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....  
 .....

### 3 DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

3.1 I have read, and I understand the contents of this disclosure.

3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every aspect.

3.3 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>2</sup> will not be construed as collusive bidding.

3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas

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<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.



used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements, or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

**I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.**

.....

Signature Date

.....

Position Name of bidder

## 7. PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022 SBD 6.1

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

**NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022**

### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- 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 To be completed by the organ of state

*(delete whichever is not applicable for this tender).*

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

### 1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for

specific goals are not claimed.

- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

## 2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

#### 3.1.1 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	
$Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$	or	$Ps = 90 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$	

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

### 3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

### 3.2.1. POINTS AWARDED FOR PRICE

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

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

80/20                      or                      90/10

Where

- $P_s$  = Points scored for price of tender under consideration  
 $P_t$  = Price of tender under consideration  
 $P_{max}$  = Price of highest acceptable tender

## 4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
  - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

**Table 1: Specific goals for the tender and points claimed are indicated per the table below.**

***(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)***

***Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)***

The specific goals allocated points in terms of this tender	Number of points allocated	Number of points allocated	Number of points claimed	Number of points claimed
---	----------------------------	----------------------------	--------------------------	--------------------------

	(90/10 system) (To be completed by the organ of state)	(80/20 system) (To be completed by the organ of state)	(90/10 system) (To be completed by the tenderer)	(80/20 system) (To be completed by the tenderer)

#### DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;

iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

- (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

<p>.....</p> <p><b>SIGNATURE(S) OF TENDERER(S)</b></p>	
<b>SURNAME AND NAME:</b>	.....
<b>DATE:</b>	.....
<b>ADDRESS:</b>	.....
	.....
	.....
	.....

## 8.DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS SBD 6.2

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration

Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

## 1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8. (2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two-stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) on the date of advertisement of the bid as indicated in paragraph 3.1 below.

**The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.**

- 1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation.

## 2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

3. Does any portion of the goods or services offer have any imported content?  
(***Tick applicable box***)

YES		NO	
-----	--	----	--

- 3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency on the date of advertisement of the bid.

The relevant rates of exchange information are accessible on [www.resbank.co.za](http://www.resbank.co.za)

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

4. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

**LOCAL CONTENT DECLARATION**  
**(REFER TO ANNEX B OF SATS 1286:2011)**

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID NO. ....**

**ISSUED BY:** (Procurement Authority / Name of Institution):

.....  
NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thedti.gov.za/industrial\\_development/ip.jsp](http://www.thedti.gov.za/industrial_development/ip.jsp). Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in**



**order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, ..... (full names),  
do hereby declare, in my capacity as .....  
of .....(name of bidder  
entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has BBBEE calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E which has BBBEE consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.**

**The local content percentages for each product have BBBEE calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E.**

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## 9. DECLARATION OF INTEREST FOR PAST SUPPLY CHAIN MANAGEMENT PRACTICES SBD 8

- 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? <b>(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).</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.	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:		

**SBD 8****CERTIFICATION**

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

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

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

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

**10: CERTIFICATE OF INDEPENDENT BID DETERMINATION SBD 9**

- 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. disregards 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. cancels 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 Bids.

<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 BBBEE 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 BBBEE 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 BBBEE 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 BBBEE 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 BBBEE, 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.

**<sup>3</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.**

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms

of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....

Signature

.....

Position

.....

Date

.....

Name of Bidder