



REQUEST FOR PROPOSAL

Procurement Number: RFP 2022/01

External Audit Services at Breede Gouritz Catchment Management Agency (BGCMA) for the periods 2021/2022, 2022/2023, 2023/2024

DOCUMENT INFORMATION SHEET

Title of Document	REQUEST FOR PROPOSAL (RFP): EXTERNAL AUDIT SERVICES FOR FINANCIAL YEARS 2021/2022, 2022/2023, 2023/2024
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EXTERNAL AUDIT SERVICES RFP 2022/01

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1. INTRODUCTION

This document provides guidelines to service providers wishing to submit proposals in terms of Request for Proposals 2022/01 – Proposal for External Audit Services for the financial years ending 31 March 2022, 31 March 2023 and 31 March 2024

2. BACKGROUND

The Breede-Gouritz Catchment Management Agency was established in terms of section 78 (1) of the National Water Act 36 of 1998 to manage water resources in Breede-Gouritz water management area. The Breede-Gouritz Catchment Management Agency is established as a Schedule 3A public entity responsible for the Breede-Gouritz Water Management Area (WMA). The Agency reports directly to the Minister of the Department of Water and Sanitation.

The Breede-Gouritz Catchment Management Agency is servicing approximately +- eight thousand customers. The Breede-Gouritz Catchment Management Agency derives its exchange revenue from providing water resource management services to its customers, mainly Water User Association, Irrigation Board and Municipalities.

Our head office is situated in Worcester and sub-office is situated in George Western Cape.

As part of performing its mandate and complying with the PFMA, National Treasury Regulations and the Public Audit Act, the entity is hereby inviting suitably and qualified audit firms (preferable registered in terms of the Public Accountant and Auditors Act, whose members belongs to a recognised professional body) to submit their proposals for the provision of External Audit Services. The assignment will be for a duration of one year subject to the Auditor-General approval.

Visit our website for more information: www.breedegouritzcma.co.za

3. OBJECTIVE

The objective of the audit is to provide an independent audit opinion on the annual financial report and performance information of BGCMA for the financial years ending 31 March 2022, 31 March 2023 and 31 March 2024. Provide detailed management report on the outcome and findings after audit within the time of an agreed deadline set to meet Public Finance Management Act reporting deadlines.

4. TERM OF THE AUDIT APPOINTMENT

The external Auditors will be appointed to audit three financial periods (2021/2022, 2022/2023 & 2023/2024)

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5. SCOPE OF THE AUDIT

The appointed firm will be required to:

- Plan effective audit process
- Perform an audit of annual financial statements and assess accounts for accuracy and regulatory compliance
- Inspect internal control systems
- Assess risk management tactics
- Report systematic errors or fraud indicators
- Perform an audit on performance information
- Express an audit opinion on the financial statements in compliance with GRAP and other relevant legislation.
- Perform audits in compliance with Generally Recognized Accounting Practices (GRAP)
- Work in conjunction with the internal auditors to provide combined assurance to the BGCMA on the effectiveness of the internal control systems
- Communicate audit findings to management and ensure they are fully aware of the implications to the operations of the BGCMA
- Review both non-financial and financial information in the annual report prior to publishing
- Provide a final audit report with clear recommendations to management and the governing board
- The external audit may be required to rely on the work of internal audit where applicable
- The auditor is expected to test all audit assertions
- The audit must be performed in compliance with the Auditor General of South Africa's standards
- Pre-issuance review may be performed on the final audit file

6. EXTERNAL AUDIT DELIVERABLES

The external auditor will be expected to do the following upon appointment:

- Submit a detailed Audit Planning Memorandum
- Submit a detailed budget in line with the Audit Planning Memorandum
- Issue Draft and final audit report
- Present Final External Audit Report to the Audit Committee and Governing Board
- Submit audit strategy for approval
- Communication of detailed audit findings
- The auditor must be independent reporting to the audit committee and Governing Board
- The auditor is expected to have regular meetings with the management and accounting officer
- The auditor is expected to attend audit committee meetings through the invites

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7. TECHNICAL COMPETENCY REQUIREMENTS

External Auditors must meet the technical competency requirements stated below:

- The External Auditor must be registered in terms of the Public Audit Act as an Accountant and Auditor and engaged in public practice (registration with SAICA- South African Institute of Chartered Accountants and IRBA- Independent Review Board of Auditors).
- Evidence of dedicated resources available to the External Auditor for the duration of the contract, qualifications, and experience of such resources, (Attached CV's, qualifications, of all involved in the project).
- Profiles of the audit firm (Reference letters should be attached to the proposals).

8. HOURS, FEES, AND EXPENDITURE

The External Auditor will be required to provide the following detail:

- Fees for completing the audit in accordance with the specification and with reference to different levels of proposed to be utilized;
- The total cost of executing the project must be reflected
- Use Pricing schedule (**Annexure B**)

NOTE: NO VARIATION TO THE ACCEPTED PROPOSAL WILL BE ACCEPTED

9. TERMS AND CONDITIONS

The following conditions should be noted by External Auditors:

- The External Auditor shall not and has no right to assign the audit to third parties;
- The External Auditor shall not be engaged by the BGCMA to undertake any financial consultancy with the BGCMA that requires the preparation of financial information that will be the subject of the annual audit;
- The external Auditor shall confirm that they are and shall maintain during the duration of the audit term total independence relating to the Board.
- The external Auditor is expected to declare any possible conflict of interest

10. EXTERNAL AUDITORS' INDEPENDENCE

The External Auditor is required to certify that they are independent of the BGCMA and nothing has transpired that would compromise their independence during the conduct of the audit by completing **Annexure A**.

11. SECURITY CLEARANCE OF THE BIDDER

Supplier information and good standing will be verified with National Treasury database to determine whether the bidder is not listed on the restricted Suppliers for tender defaulters.

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12. CONTENT OF THE PROPOSAL

The proposal must include the following:

- a) Company profile and relevant experience.
- b) BBBEE Rating Scorecard.
- c) Details of experience in carrying out projects of this nature (supply evidence where possible).
- d) Valid tax clearance certificate/ Tax Compliance Pin
- e) Company registration documents.
- f) At least three contactable reference letters
- g) Geographic representation in South Africa.
- h) Proposed methodology and approach to be used in keeping with the scope of work.
- i) Composition of the project team and a brief CV of each member of the proposed team (qualifications, experience, and expertise).
- j) Evidence of registration with SAICA and IRBA.
- k) Last audited/independently reviewed annual financial statements not older than two (2) years.
- l). The pricing/costing schedule as per **Annexure B**.
- m) Pricing must be inclusive of VAT.

Other important conditions:

- The prospective service provider/firm is responsible for all costs incurred in the preparation and submission of the proposal.
- The successful service provider will enter into a formal contract with the BGCMA and will be required annually to submit an audit planning memorandum for approval by the Audit and Risk Committee.
- By accepting to take part in the proposal process, you agree to keep all information shared with you in relation to the proposal process confidential, not to disclose it to third parties, and not to use it for purposes other than the proposal.
- The BGCMA reserves the right not to award this contract.
- The BGCMA reserves the right to disregard a firm's proposal should it be found that work was previously undertaken for the BGCMA where poor performance was noted during the execution of such contract in the last 5 years.
- Should the bidder present information that is intentionally incorrect/fraudulent, their proposal will be disqualified.
- It is the responsibility of prospective service providers to ensure that their proposal is submitted before the closing date

13. ENQUIRIES AND SUBMISSION

- All enquiries must be made in writing and will be responded to during office hours (08:00 to 16:00, Monday to Friday).
- Thomas Tjie: Telephone (023) 346 8000 / E-mail ttjie@bgcma.co.za
- Proposals should be submitted by not later than **22 April 2022** at 11:00 in **hard copy format** in a sealed envelope

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- Post it to: **Attention: Acting: Chief Executive Officer, RFP 2022/01; Proposal for External Audit; Private Bag X 3055, Worcester, 6850**
- Proposals not meeting the submission requirements or submitted after the due date will be disqualified.
- Service providers must submit five (5) hard copies of the proposal.
- One hard copy must be the original submission, clearly marked “Original” and the remaining hard copies can be copied versions of the original.

14. PAYMENT STRUCTURE

Payment will be made in phases based on the following deliverables:

Deliverables Phases	Description
Phase 1	Planning Phase
Phase 2	Execution Phase
Phase 3	Draft Audit Report
Phase 4	Final Audit Report

NB: Execution of the audit can be broken down into various stages

15. EVALUATION

The BGCMA will apply the principles of the Preferential Procurement Policy Framework Act, Act No. 5 of 2000, (PPPFA) to this proposal.

The evaluation of the proposals will be based on the 80/20 PPPFA principle and will be done in three (3) phases, namely:

- Pre-qualifications
- Functionality
- Pricing & BBBEE

Phase 1 – Pre-qualification Evaluation

ADMINISTRATIVE MANDATORY REQUIREMENTS

The information contained in the Table below is mandatory and will be used in assessing the responsiveness of bidders. **Failure to submit and complete all mandatory information will result in submissions being deemed null and void and shall be considered “non – responsive” and therefore not considered.**

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DESCRIPTION	MINIMUM PROOF REQUIRED	TICK SUPPLIED	
		YES	No
Tax Compliance Status	CSD Tax Compliance and Tax Clearance PIN		
	Proof of CSD registration number		
Completed and signed Compulsory Declaration of Interest Form			
SBD1	Completed, signed and submitted		
SBD 4	Completed, signed and submitted		
SBD 6.1	Completed, signed and submitted		
SBD 7.1	Completed, signed and submitted		
SBD 8	Completed, signed and submitted		
SBD 9	Completed, signed and submitted		
Company registration certificate CIPRO / CIPC	Company registration documents / certificate from CIPRO / CIPC		
Certified copy of B-BBEE contribution level certificate	Submitted BBEE Verification Certificate from SANAS		
Company profile	Detailed company profile		

Financial Statements (valid year is between 2018 to 2021)	Financial Statement for the last two financial years (Financial statement signed off by an independent professional accountant)		
Valid COIDA certificate	Valid COIDA certificate		
Declaration of Tenderer Is the form duly completed and signed?	Declaration of Tenderer Is the form duly completed and signed?		
Minimum qualification, Academic Certificates, CA (SA) designation	Proof of academic certificates, certification of CA/SA with SAICA		
The Audit firms must be registered with the Independent Regulatory Board for Auditors	Proof of registration certificates with IRBA/ IRBA registration number to prove active membership		
IRBA inspection report/results	Proof of inspection report/results		
Bidder to provide Company Organogram	Failure to provide Organogram with team members will be regarded as non-responsive		

N.B : Failure of bidders to meet all the above mandatory requirements will result in submissions being deemed null and void and shall be considered “non – responsive” and therefore not considered.

Phase 2 Functionality:

Functionality Compliance

Bidders must score at least 70 out of 100 in respect of functionality to qualify for advancement to Phase 3. A bidder that scores less than 70 out of 100 will be regarded as submitting a non-responsive bid and will be disqualified. Bidders who fail to obtain a minimum score for each criterion will be disqualified.

1 = poor, 2 = average, 3 = good, 4 = very good, and 5 = excellent

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Functionality evaluation will be based on the following criteria:

	Functionality	Criteria/ Guide (1- 5)	Max Weight	Bidder Scores
1. Company Experience	Company profile including demonstrated experience in providing external audit services in the public sector, with a minimum of three traceable reference letters from the previous public sector, clients relevant to this tender including the start and completion dates of the contracts. Failure to include the start and end dates will result in the reference letter not being considered. Only a completed year/s of experience will be considered. The reference letters should be on the client's letterhead making the below experience.		35	
	1 to 2 years relevant experience	1		
	3 to 4 years relevant experience	2		
	5 to 6 years relevant experience	3		
	7 to 10 years relevant experience	4		
	>10 years relevant experience	5		
	2. Team Capabilities	Attach resumes of each key project team member indicating qualifications, experience, accreditation / affiliation (where relevant) Schedule of similar work (list the works related to the project). Bidders must submit the following academic qualification and proof of registration where professional bodies are required:		
2.1 Project Director/Partner: The project director/partner must be a qualified chartered accountant (CA/SA) with the following years of experience in overseeing external audit related projects in the public sector. The must be a registered auditor with IRBA. Only completed year/s will be considered. Please include the resume.				
1 to 2 years relevant experience		1		
3 to 4 years relevant experience		2		
5 to 6 years relevant experience		3		
7-10 years relevant experience		4		
>10 years relevant experience		5		
			10	
2.2 Audit Manager: The audit Manager must be a qualified chartered accountant (CA/SA) with the following years of experience in managing external audit-related projects in the public sector. Only completed year/s will be considered. Please include the resume.				
1 year relevant experience		1		
2 to 3 years relevant experience	2			
4 to 5 years relevant experience	3			
6 to 9 years relevant experience	4			

	10 years and more relevant experience	5		
	2.3 Assistant Audit Manager: The audit Manager must have a postgraduate diploma in accounting sciences (CTA) with the following years of experience in executing external audit-related projects in the public sector. Only completed year/s will be considered. Please include the resume		10	
	1 year relevant experience	1		
	2 to 3 years relevant experience	2		
	4 to 5 years relevant experience	3		
	6 to 9 years relevant experience	4		
	10 years and more relevant experience	5		
	2.4 Trainees/ Article Clerk: The trainees or article clerks must be studying towards a postgraduate diploma in accounting sciences (CTA) with the following years of experience as trainees. Only completed year/s will be considered. Please include the resume		5	
	1 year relevant experience	1		
	2 years relevant experience	2		
	3 years relevant experience	3		
	4 years relevant experience	4		
	5 years and more relevant experience	5		
	Attach organogram which clearly outline the role of the team and the indication staff that will be allocated to BGCMA. Bidders to include comprehensive CVs.			
3. Project/ Audit plan and methodology	Project/ Audit plan and methodology			
	Project / Audit plan and audit methodologies in line with the task description outlined under project scope/ task description, with clear milestones and timeframes for each task to be completed. Audit methodology should be properly outlined (please refer to the scope of work).		30	
	No project/audit plan and audit methodology	1		
	Project/Audit plan provided with no clear deliverables, audit methodology & timeframes/milestones.	2		
Project/Audit plan provided with clear deliverables, audit methodology & timeframes/milestones	3			
Project/Audit plan provided with audit methodology, deliverables, timeframe/milestone & management of the project. A sample/example of detailed audit report and audit strategy.	4			

	Project/Audit plan well broken down with methodology, deliverables, timeframe/milestone, quality assurance & management of the project including staff deployment to each activity/deliverables. A sample/example of a detailed audit report and audit strategy.	5		
	All documents in support of the various sections above must be submitted in order to claim the maximum . Missing or incomplete documentation will result in a zero score for the relevant section.			
	TOTAL		100	

Phase 3 Price and BBEE:

All proposals will be evaluated on the 80/20 preferential point system in accordance with the provision of the Preferential Procurement Policy Framework Act No. 5 of 2000.

Quantitative Assessment

Bids that achieve the minimum technical requirement will be further adjudicated on Price and BEE status. The method of scoring Financial Proposals and the BEE Verification Certificate is described in the attached Preference Points Claim document (SBD 6.1)

The allocation of tender adjudication points for this Contract shall be as follows:

Area of Adjudication	Maximum Points
Pricing	80
BBEE	20
Total Points (S)	100

16. SPECIFIC CONDITIONS

Respondents should complete all the returnable SCHEDULES/SBD forms listed below.

17. RETURNABLE SCHEDULES

(All ANNEXURES must be completed and returned by the Supplier(s) when submitting the bid.)

ANNEXURE A: CONFIRMATION OF INDEPENDENCE

ANNEXURE B: PRICING/COSTING FOR EXTERNAL AUDIT

SERVICES SCHEDULE
RETURNABLE SCHEDULE 1: Invitation to Bid (SBD 1)
RETURNABLE SCHEDULE 2: Declaration of Interest (SBD 4)
RETURNABLE SCHEDULE 3: Preference Points Claim Form (SBD 6.1)
RETURNABLE SCHEDULE 4: Contract Form (SBD 7.1)
RETURNABLE SCHEDULE 5: Supplier(s)'s Past Supply Chain Management Practices (SBD 8)
RETURNABLE SCHEDULE 6: Certificate of Independent Bid Determination (SBD 9)

ANNEXURE A: CONFIRMATION OF INDEPENDENCE

From: (Name of Audit firm and address)

To: Breede-Gouritz Catchment Management Agency
Corner of Mountain Mill and East Lake Roads
Worcester
6850

Date: _____

LETTER OF CONFIRMATION OF INDEPENDENCE FROM THE BREEDE-GOURITZ CATCHMENT MANAGEMENT AGENCY (BGCMA)

[Insert firm's name] hereby confirms that independence and ethical requirements by all team members proposed for this assignment, will be communicated during the planning, fieldwork, and finalisation phases of the audit, and will be monitored on a continuous basis.

I hereby confirm that our firm is independent of the BGCMA in accordance with the Independent Regulatory Board for Auditors' Code of Professional Conduct for Registered Auditors (IRBA Code) and other independence requirements applicable to performing audits of financial statements in South Africa.

I hereby confirm that **[insert firm's name]** currently does not do, nor have we done any work for the BGCMA which may result in a direct conflict of interest.

I hereby confirm that there is no conflict of interest between the BGCMA and any of the staff members to be involved in the audits. The capabilities and competence of the staff to be on the audit was assessed and found to be sufficient.

I further confirm that none of the directors of our firm sits on any audit or advisory committees of the BGCMA.

I hereby confirm that **[insert firm's name]** has not been subject to any issues regarding ethical misconduct and the firm is currently not involved in any scandals which may impact our reputation.

Yours sincerely,

NAME AND SIGNATURE OF AUDIT PARTNER

ANNEXURE B: PRICING/COSTING FOR EXTERNAL AUDIT SERVICES SCHEDULE

COMPANY DETAILS	
Name of firm/service provider	
Representative/contact person	
Contact details	
Telephone/Mobile	
E-mail address	

PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE				
Designation	Quantity	Rate Per Hour	Total Hours	Total Costs
Sub Total				
VAT				
Total for the year				

NB: The pricing must all inclusive of travel, accommodation and any other relevant cost associated with the audit.

NB: Payment will be made based on deliverables.

NB: The total budget should be able cover all the necessary cost of executing the audit. It is important that the budgeted hours and relevant cost addresses the scope of work as no variation of scope of work will be permitted.

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON			CONTACT PERSON		
TELEPHONE NUMBER			TELEPHONE NUMBER		
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS			E-MAIL ADDRESS		
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE A BRANCH IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.					

**PART B
TERMS AND CONDITIONS FOR BIDDING**

SBD 1

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE.”

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g. company resolution)

DATE:

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

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

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

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

2.2 Identity Number:
.....

2.3 Position occupied in the Company (director, trustee, shareholder²):
.....

2.4 Company Registration Number:
.....

2.5 Tax Reference Number:
.....

2.6 VAT Registration Number:
.....

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

¹"State" means –

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

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

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

2.7.1 If so, furnish the following particulars:

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

.....

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

.....

Position occupied in the state institution:

.....

Any other particulars:

.....

.....

.....

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

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

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

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

.....

.....

.....

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

2.8.1 If so, furnish particulars:

.....

.....

.....

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

2.9.1 If so, furnish particulars.

.....

.....

.....

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

YES/NO

2.10.1 If so, furnish particulars.

.....

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

YES/NO

2.11.1 If so, furnish particulars:

.....

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

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

4 DECLARATION

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

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

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

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

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

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the.....system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

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

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

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

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

1.5. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

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

Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;

- 2.17 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \mathbf{or} & P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)
 \end{array}$$

Where

- Ps = Points scored for comparative price of bid under consideration
- Pt = Comparative price of bid under consideration
- Pmin = Comparative price of lowest acceptable bid

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

- 5.1 In terms of Regulation 5 (2) and 6 (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	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 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? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm :

9.2 VAT registration number :

9.3 Company registration number :

9.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION

- Manufacturer
 - Supplier
 - Professional service provider
 - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business?

9.8 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 contribution indicated in paragraph 7 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 paragraph 7, 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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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.

.....

BIDDER(S)

2.

DATE:.....

ADDRESS:.....

.....

SIGNATURE(S)	OF
--------------	----

CONTRACT FORM - PURCHASE OF GOODS/WORKS

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE BIDDER)

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to (name of institution)..... in accordance with the requirements and specifications stipulated in bid number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.

2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Technical Specification(s);
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of bidder's past SCM practices;
 - Certificate of Independent Bid Determination
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)

3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.

5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES	
1
2.
DATE:

CONTRACT FORM - PURCHASE OF GOODS/WORKS

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I..... in my capacity
as.....
accept your bid under reference numberdated.....for the supply of
goods/works indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating delivery instructions is forthcoming.
3. I undertake to make payment for the goods/works delivered in accordance with the terms and
conditions of the contract, within 30 (thirty) days after receipt of an invoice accompanied by the
delivery note.

ITEM NO.	PRICE (ALL APPLICABLE TAXES INCLUDED)	BRAND	DELIVERY PERIOD	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

4. I confirm that I am duly authorised to sign this contract.

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1.

2.

DATE

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>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?</p>	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

Js365bW

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

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

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

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor.
However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ 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

.....

Date

.....

Position

.....

Name of Bidder