



BREEDE-OLIFANTS
C A T C H M E N T M A N A G E M E N T A G E N C Y

BREEDE-OLIFANTS CATCHMENT MANAGEMENT AGENCY

TERMS OF REFERENCE

DEVELOPMENT OF A CATCHMENT MANAGEMENT STRATEGY FOR THE BREEDE-OLIFANTS WATER MANAGEMENT AREA

DOCUMENT INFORMATION SHEET

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BID NUMBER	RFP 2024/03

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TERMS OF REFERENCE FOR THE DEVELOPMENT OF A CATCHMENT
MANAGEMENT STRATEGY FOR THE BREEDE-OLIFANTS WATER MANAGEMENT AREA.

1. BACKGROUND INFORMATION

1.1. BACKGROUND TO THE DEVELOPMENT OF A CATCHMENT MANAGEMENT STRATEGY FOR THE BREEDE-OLIFANTS WATER MANAGEMENT AREA

The establishment of Catchment Management Agencies (CMAs) is an important building block in the development of appropriate institutional arrangements for managing South Africa's water resources. The main aim of establishing CMAs is to decentralise responsibility for managing water resources so-that water users and stakeholders can play their part in the management process.

CMAs have jurisdiction in Water Management Areas.

One of the initial functions of a CMA (National Water Act, section 80(b)) is to develop a Catchment Management Strategy (CMS), which is the framework for water resources management in a Water Management Area (WMA). The development of a CMS is described in the Guidelines for Catchment Management Strategies (DWAF, 2007).

The then Breede-Overberg Catchment Management Agency (BOCMA) being a 3A Public Entity was established in July 2005 in fulfilment of the requirement of the National Water Act (NWA). As part of its initial functions, the BOCMA developed a Catchment Management Strategy for its area of jurisdiction (Breede Water Management Area). The developed Catchment Management Strategy was adopted by the BOCMA Board on 7 March 2011.

In 2013 the 19 Water Management Areas in the country were reduced from 19 to 9. Accordingly, in terms of the Government Gazette Notice No. 37677 of 23 May 2014 the Breede and Gouritz Water Management Areas were combined into the Breede-Gouritz Water Management Area. The combination was in terms of Section 78(4) of the National Water Act, 1998 (Act No. 38 of 1998). In line with the afore-mentioned, on 23 May 2014 the then Minister of Water and Environmental Affairs established the Breede-Gouritz Catchment Management Agency (BGCMA) through extending the boundary and area of operation of the then Breede-Overberg Catchment Management Agency.

Since the establishment of the BGCMA, the Department of Water and Sanitation (DWS) has reviewed the appropriateness of having 9 CMAs across the country and has proposed a further reduction in the number of water management areas, to six, implying 6 CMAs. In this reduction, new boundaries for the nine water

management areas will be demarcated through the National Water Resources Strategy (NWRS3) as is required under the National Water Act.

In October 2020, the then Minister of Human Settlements, Water and Sanitation requested public comment on the Government Gazette Notice No 43784 for the amendment of the Breede-Gouritz Water Management Area (WMA) through extending the boundary and area of operation to include the Berg-Olifants WMA in terms of section 78(4) of the National Water Act, 1998 (Act no. 36 of 1998), and the name of the Breede-Gouritz CMA be changed to Breede-Olifants CMA (BOCMA).

The establishment of the Breede-Olifants CMA was approved on 05 May 2022 by the Minister of Water and Sanitation and it has been gazetted in the in the Government Gazette, Notice No 47550 on 25 November 2022. Concurrently the Minister approved the disestablishment of the Olifants-Doorn CMA as it is deemed critical in terms of section 88 of the NWA to give notice of intention to disestablish the Olifants-Doorn CMA for reasons pertaining to section 88 (1) (a) and (c).

BOCMA is embarking on a process to develop a CMS for the Breede-Olifants Water Management Area. BOCMA, further intends to appoint a professional service provider (PSP) for the development of the CMS and will invite proposals from experienced PSP's.

In the development of the proposal, the PSP must consider the previous catchment management strategies that were developed for the then Breede-Overberg, and the Breede-Gouritz CMAs. In the proposal the PSP must indicate on how the information and outcomes of the previous processes is going to be used in the development of the catchment management strategy for the Breede-Olifants Water Management Area. The aim must be to build on and / or expand existing information and processes to cater for the additional area.

The PSP must indicate in the proposal how the stakeholders of the previous Breede-Gouritz and Olifants-Doorn Water Management Areas will be brought together to develop a catchment management strategy for the Breede-Olifants Water Management Area. This is important since the development of a CMS is a bottom-up process considering all the cross-cutting water resources issues. The PSP must ensure that stakeholders are engaged in an ongoing basis. This will ensure that stakeholders are involved throughout the study process.

1.2 DESCRIPTION OF THE BREEDE-OLIFANTS WATER MANAGEMENT AREA

The Breede-Olifants Water Management Area (WMA) is the result of the amalgamation of the Breede-Gouritz WMA and the Berg-Olifants WMA. The new WMA will be bounded by the Atlantic Ocean to the southwest, the Orange WMA to the north and the Mzimvubu-Tsitsikama WMA to the East. It will largely fall within the Western Cape Province, with small portions of the upper catchment of the Olifants River falling in the Eastern Cape Province, and portions of the Northern section falling within the Northern Cape Province.



Figure 1: Breede-Olifants WMA Map (Source: Esri, USGS, NOAA)

There are four large rivers within the WMA, the Breede, Berg, Gouritz and Olifants Rivers.

Breede River Catchment

The Breede River with its main tributary the Riviersonderend River discharges into the Indian Ocean.

In terms of surface water management, the Breede catchment areas have been subdivided into 6 hydrological sub-areas:

- Upper Breede,
- Central Breede,

- Lower Breede,
- Riviersonderend,
- Overberg West; and
- Overberg East.

Berg River Catchment

The Berg River catchments comprise the Berg River itself, along with several smaller coastal catchments. Water resources are planned for and managed through the Western Cape Water Supply System. This system serves more than 3.2 million people, providing water to the City of Cape Town, Overberg, Boland, West Coast and Swartland towns, as well as to irrigators along the Berg, Riviersonderend, Eerste- and other local rivers.

Gouritz River Catchment

The Gouritz has three main tributaries, the Groot, Gamka and Olifants Rivers. There are a few other smaller rivers in the WMA including Touws-, Duivenhoks-, Goukou-, Hartenbos-, Great Brak-, Kaaimans-, Knysna- and Keurbooms Rivers, Palmiet-, Kars-, Sout-, Uylenkraals-, Klein-, Onrus- and Bot-Swart Rivers

Olifants River Catchment

The major river is the Olifants River, of which the Doring River (from the south draining the Koue Bokkeveld and Doring area) and the Sout River (draining the Knersvlakte from the northeast) are the main tributaries.

The area is divided into six sub-areas or management units:

- Upper Olifants: the river rises in the Cederberg Mountains at the southern edge of the WMA and provides the most significant contribution to the water available in the WMA.
- Koue Bokkeveld: It forms part of the southern boundary of the WMA and lies between the Koue Bokkeveld- and southern Cederberg mountain ranges on the west and the Swartruggens mountain range on the east.
- Doring: Forms part of the southern and eastern boundaries of the WMA. The river meets with the Olifants River below Bulshoek weir.

- Knersvlakte: Forms part of the northern part of the eastern boundary of the WMA. It comprises of the Hantams-, Kromme- and the Goerap catchments as well as the Sout River tributary.
- Lower Olifants: It is the area of the Olifants River below Clanwilliam Dam and includes the Bulshoek weir, the confluence with the Doring River and the Estuary.
- Sandveld: the area is bounded on the west by the Atlantic coastline, on the east by the Olifants mountain Range and on the south by the Berg WMA.

The Classification and determination of RQOs for the then Berg-Olifants and Breede-Gouritz Water Management areas have been finalized and gazetted by the DWS in collaboration with the then BGCMA and relevant stakeholders. After the classification and RQOs were gazetted, there was a need for comprehensive Reserve determination for priority catchments to ensure that the Reserve is in accordance with the water resource classes and is applicable to the current system needs and demands. The reserve studies were also conducted for the then Breede-Gouritz WMA, to address ecological gaps at identified priority sites that have not been addressed by preliminary Reserve determination studies but required a degree of ecological protection afforded by a Reserve.

A proposed Reserve determination was gazetted on 26 August 2022 where in:

The Reserve is determined for all or part of every significant water resource within the Breede- Gouritz Water Management Area as set out below:

- Water Management Area: Breede-Gouritz
- Drainage Regions: G40-G50, H10- H90, J11-J40, K10-K70
- Tertiary Drainage Region Rivers: Breede Overberg Area: Breede River, Riviersonderend River, Overberg River, as well as other smaller coastal rivers. Gouritz Coastal Area: Gouritz River, Buffels River, Touws River, Groot River, Gamka River, Olifants River, Kammanassie River, and smaller coastal rivers.

A Preliminary Comprehensive Reserve has been determined for the Olifants River with the recommendation that it is impractical to try and restore the river to a more natural system, and that water should not be taken back from existing lawful users for this purpose, due to the negative impact this will have on the area's economy. However, to make up for this, no further development should be allowed in the Doring River, which joins the Olifants River below the Clanwilliam and Bulshoek dams. The only exception to this could be for small off-channel dams in the Koue Bokkeveld, which can be filled using high levels of winter water. The protection of

the Doring River is aimed at securing the ecological integrity of the lower reaches and estuary of the Olifants River, the latter being a major permanently open estuary and fish breeding area.

• **Table 1: Municipalities within Breede-Olifants WMA**

Metropolitan Municipality	
City of Cape Town	
District Municipalities	Local Municipalities
Cape Winelands	<ul style="list-style-type: none"> • Breede Valley • Drakenstein • Langeberg • Stellenbosch • Witzenberg
Central Karoo	<ul style="list-style-type: none"> • Beaufort West • Laingsburg • Prince Albert
Garden Route	<ul style="list-style-type: none"> • Bitou • George • Hessequa • Kannaland • Knysna • Mosselbay • Oudtshoorn
Overberg	<ul style="list-style-type: none"> • Cape Agulhas • Overstrand • Swellendam • Theewaterskloof
West Coast	<ul style="list-style-type: none"> • Bergrivier • Cederberg • Matzikama • Saldanha Bay • Swartland

1.3 Topography

The variation in topography results in a climate which varies considerably within the region. The water resources of the Breede-Olifants WMA occur in four distinctly different zones:

Gouritz Area:

This area is characterised by the flat open plains of the Great and Klein (Little) Karoo, interrupted by steep mountain ranges orientated in an east-west direction which give it three distinct zones of the semi-arid Great Karoo, the Olifants River and the Coastal Belt.

Breede Area:

This area is characterised by the rolling hills of the Overberg, the Hex River Mountains to the north, the Langeberg Mountains in the east and the Franschhoek and Du Toit's Mountains in the west, which flank the wide Breede River valley.

Berg Area:

The Berg area is topographical influenced by the high mountain ranges in the Cape Peninsula and on the eastern side of the area, introduces a large spatial variability in the mean annual precipitation (MAP). Intensive irrigation takes place in the Upper and Lower Berg River valleys, its tributaries and from private dams, as well as in the Eastern region of the Greater Cape Town subarea (along the Eerste- and Lourens Rivers), with small pockets of irrigated land mainly for vegetable crops on the Cape Flats. Dry land cultivation of wheat is dominant in both the Upper Berg and Lower Berg sub-areas (including the Diep River), with some dry land vineyards and olive orchards on the hills.

Olifants Area:

The topography of the Olifants area is of three distinct types, namely rolling hills and sand dunes in the west along the coastal strip, rugged mountains with peaks rising to about 2 000 m above sea level in the southern area, and plains and rocky hills in the north-eastern area that are typical of the Western Karoo. The Olifants River rises in the mountains in the south-east of the area and flows north-west. Its deep narrow valley widens and flattens downstream of Clanwilliam until the river flows through a wide floodplain downstream of Klawer. The Doring River is a fan shaped catchment. The main river rises in the south and flows in a northerly direction. It is first joined by the Groot River and then by the Tra-Tra River flowing from the west and the Tankwa River from the east, before flowing in a westerly direction to its confluence with the Olifants River just upstream of Klawer. The north of the area is flatter and much of the basin lies between 500 and 900 m above sea level. In the east there are significant mountain ranges, the Hantam near Calvinia and the Roggeveld to the south, which rise to about 1 500 m above sea level. West of Nieuwoudtville lies the Bokkeveld Mountains escarpment where the plateau elevation of about 700 m drops to about 300 m. The rolling hills and plains of the 30 to 40 km wide strip.

1.4 Climate

1.4.1. Rainfall


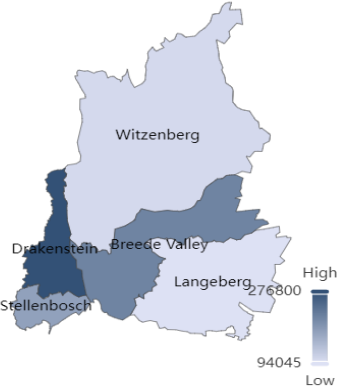
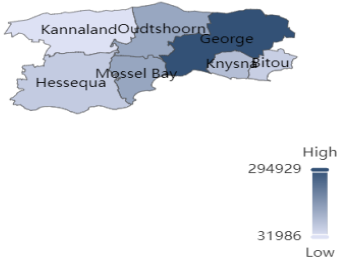
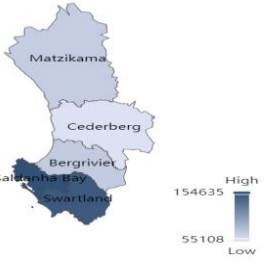
The Breede-Olifants WMA has widely varying precipitation levels. The precipitation ranges from 160mm in the northern, more inland parts of the WMA to more than 3 000mm in the high mountainous regions. The Great Karoo and Olifants River catchment regions are classified as a very late summer rainfall region, with a large proportion of annual precipitation falling between March and May and October through storm events, whereas most of the rain in the Breede-, Olifants and Berg areas fall between the months of May and September.

1.5 Socio-Economic Dynamics

1.5.1 Population

The population within the BOCMA area is estimated above 7 433 020 million people as per Statistics South Africa's census 2022. The majority of the population resides in the areas where the most economic activity occurs, which is in the urban centres and major coastal towns within the WMA. It is estimated that 95% of the total WMA population resides in urban areas, with 89% concentrated in the Greater Cape Town sub-area, where they are attracted by employment opportunities. Future population trends are likely to be influenced by economic opportunities and job creation. Projections therefore are for continued relatively strong population growth in the urban areas and a decline in rural population, attributable to the lack of economic stimulus in small towns and villages, but for the seasonal migration in harvesting time for major fruit producing agri-industry.

Table 2: The population per Metro vs District figures (source: Statistics SA)

Metro / District	Local Municipality (ies)	Population Size
<p>City of Cape Town Metro</p> 	<p>n/a</p>	<p>4 772 846</p>
<p>Cape Winelands</p> 	<p>Drakenstein Stellenbosch Breede Valley Witzenberg Langeberg</p>	<p>862 703</p>
<p>Garden Route</p> 	<p>Kannaland Hessequa Mosselbay Oudtshoorn George Knysna Bitou</p>	<p>838 457</p>
<p>West Coast</p> 	<p>Swartland Saldanha Bergriver Cederberg Mazikama</p>	<p>497 394</p>
<p>Overberg</p>	<p>Theewaterskloof Overstrand</p>	<p>359 446</p>

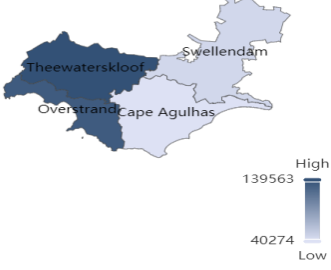
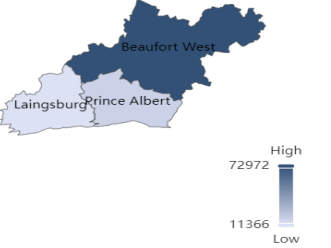
Metro / District	Local Municipality (ies)	Population Size
	<p>Swellendam</p> <p>Cape Agulhas</p>	
	<p>Laingsburg</p> <p>Prince Albert</p> <p>Beaufort West</p>	102 173

Table 3: Population (historic) growth analysis as per Statics South Africa

Metro / District Municipality(ies)	Year 2001	Year 2011	Year 2022
City of Cape Town	2 982 243	3 740 031	4 772 846
West Coast DM	282 672	391 766	497 394
Cape Winelands DM	630 284	787 486	862 703
Overberg DM	203 729	258 176	359 446
Garden Route DM	454 924	574 265	838 457
Central Karoo DM	60 483	71 011	102 173
Total	4 524 335	5 822 734	7 433 020

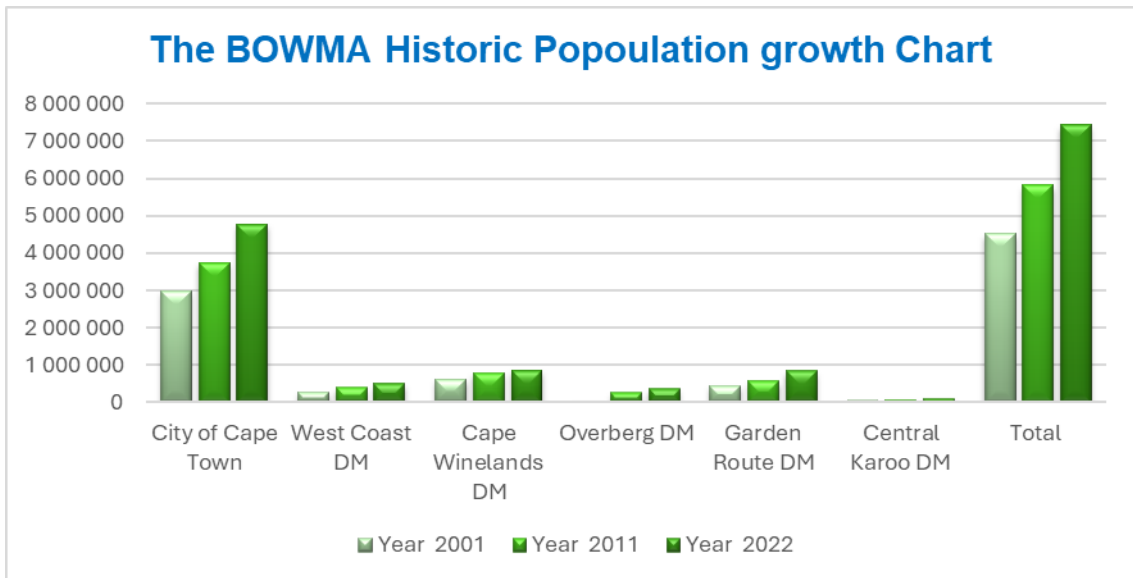


Figure 1: Historic chart on Western Cape Population figures (source: Statistic South Africa)

With the high growth rate in the Metro that falls within a sub-Water Management Area that is experiencing a water availability deficit, water conservation, the augmentation of new schemes, as well as reduce in reliance on surface water to groundwater are high priority intervention that will be implemented within the next five (5) years.

1.5.2. Economic Activity

The Gross Geographic Product (GGP) of the Breede-Olifants Water Management Areas is estimated at around R520 billion per annum and makes up 13% of South Africa's Gross Domestic Product (GDP). The economy of the area is dependent on export fruit, PetroSA, uranium mining, renewable energy, ostrich farming and tourism.

The largest sector in the Breede, Olifants and Gouritz areas are the agriculture and processing sector which contributes 23.2% to the GGP. The region is quite significantly dependant on the agricultural economy which provides 58% of jobs to the rural poor. Once the associated manufacturing, construction and services are considered, an even larger proportion of the economy appears to be dependent on the agricultural sector. Trade and accommodation are the second largest sector of the economy in these areas, related to coastal residential retirement and tourism.

A strong and diversified economy exists in the Berg area, which is dominated by the commercial trade and industrial activities in the Cape Town Metropolitan area, the towns of Stellenbosch, Paarl and Wellington and in the developing West Coast area of Saldanha Bay.

Agriculture, although one of the smallest sectors in terms of its contribution to the Gross Geographical Product ($\pm 2,5\%$), has strong linkages to other sectors of the regional economy and provides livelihood to a large proportion of the rural population.

The economy of the Breede-Olifants WMA is closely dependent upon the availability and health of water resources in the water management area because of its heavy dependence on agriculture, petroleum production (including by-products), inter-basin transfers of bulk water resources to Western Cape Water Supply System and tourism. Irrigated agriculture, wheat cultivation and associated activities such as processing and packaging are the primary economic activities in the Breede-Olifants WMA. As a reflection of this, growth in the agricultural, forestry, and fisheries in the Western Cape economy was 2.7% per year and the residential-tourism economy has grown at a brisker 3.4% per year over the decade leading up to December 2010.

2. NEED FOR CATCHMENT MANAGEMENT STRATEGY

Chapter 2, Part 2 of the NWA requires every CMA to progressively develop a CMS for the water resources within its WMA.

The CMS is a statutory document that provides the vision, and the strategic actions required to address water resources management issues in a specific catchment or group of catchments, based on the best available information and founded on the principles of sustainability, equity, and efficiency. The NWA requires every CMA to progressively develop a CMS for the water resources within its Water Management Area. The CMS must be in harmony with the National Water Resource Strategy. In the process of developing this strategy, a CMA must seek co-operation and agreement on water-related matters from the various stakeholders and interested parties, especially representatives of local communities, forestry, industry, commercial and subsistence farmers, environmental protection groups, historically disadvantaged groups, farmers, etc. The CMS, which must be reviewed from time to time, must include a water allocation plan. A CMS must set out principles for reallocating water to existing and prospective users, considering all matters relevant to the protection, use, development, conservation, management, and control of water resources. The content for the CMS is provided in section 9(a)(i) of the National Water Act.

3. OBJECTIVES OF THE ASSIGNMENT

The overall objective of the assignment is to develop a catchment management strategy for the Breede-Olifants Catchment Management Agency that responds effectively to the needs of all stakeholders in the water management area and is in line with the National Water Resource Strategy.

In accordance with section 9 of the National Water Act a catchment management strategy must -

- a. Consider the management class of water resources and resource quality objectives contemplated in Chapter 3, (NWA 1998) the requirements of the Reserve and, where applicable, international obligations.
- b. Not conflict with the National Water Resource Strategy
- c. Set out the strategies, objectives, plans, guidelines and procedures of the catchment management agency for the protection, use development, conservation, management and control of water resources within its Water Management Area;
- d. Take into account the geology, demography, land use, climate, vegetation and waterworks within its Water Management Area;
- e. Contain water allocation plans which are subject to section 23 of NWA and which must set out principles for allocating water, taking into account the factors mentioned in section 27(1); of NWA;
- f. Take account of any relevant national or regional plans prepared in terms of any other law, including any development plan adopted in terms of the Water Services Act, 1997 (Act No 108 of 1997) and the Western Cape Water Supply System Management Plan; Enable the public to participate in managing the water resources within its Water Management Area;
- g. Consider the water needs and expectations of existing and potential water users;
- h. Set out the institutions to be established;
- i. Consider the impacts of climate change.

4. CONSULTING SERVICES REQUIRED

4.1 Objectives and outcome

The objective of describing the status quo is to provide a holistic contextual profile of the key characteristics of the WMA (biophysical, social, technical, economic, political, and institutional, as related to water, and the likely future profile, to provide a sound basis for the development of appropriate and effective strategic direction.

The intended outcome is a synopsis of the best available information regarding the biophysical, social, economic, political, and institutional characteristics for the

WMA and, (b) the likely future scenario(s). This contextual profile for a WMA will be assessed, and then used to inform the vision and subsequent strategies.

The scope of work to be provided by the professional service provider appointed to undertake the assignment shall include but not be limited to the following tasks:

- a. **Situation Inception report.** The preparation of an inception report confirming the methodology, deliverables, and timeframes. A list of potential stakeholders will also be identified. A section of the inception report will also deal with the supporting and other interface actions, projects and initiatives that need to be undertaken to support the development of the CMS.
- b. **Situational assessment.** The objective of the situation assessment is to provide an overview of the key characteristics of the WMA (biophysical, social, economic, political, and institutional), as they relate to water, and the projected trends, to provide a sound basis for the development of appropriate and effective strategic direction for managing the water resources of the WMA. The situation assessment must therefore also identify gaps in knowledge and information. The intended outcome is -
 - i. a synopsis of the best available information regarding the biophysical, social, economic, political, and institutional characteristics for the WMA; and
 - ii. major anticipated projected trends in these factors. A key component of the situation assessment is not only to describe the status quo but also to examine projected future directions.

The Situational Assessment will also be used as the initial instrument in engaging with the stakeholders in the “visioning” process.

- c. **Assessment of the current situation, projected trends, and potential future scenarios.** The objective is to provide a holistic evaluation of the current situation and anticipated trends of water resources, and their use in the WMA as the foundation for decision-making for the desired future state. The intended outcome is an evaluation of the current situation and anticipated trends against locally derived holistic criteria that provide a sound basis for:
 - i. information sharing amongst stakeholders,
 - ii. developing a common understanding of water-related issues, and
 - iii. the visioning processes.
- d. **Water Reconciliation Strategy.** The objective of the Water Balance / Reconciliation Strategy is to outline strategic, comprehensive measures to

balance water requirements with water availability within a WMA, considering the water situation assessment, the vision and water required to meet special provisions and the implementations of resource classification. This strategy must address priorities for achieving this balance as efficiently and speedily as possible. The expected outcome is a holistic strategy that;

- i. provides a geographically based reconciliation of water availability versus requirements, based on updated hydrology;
- ii. provides a comprehensive assessment of potential augmentation options and,
- iii. outlines medium- to long-term strategic plans for addressing current and potential water deficits and water conservation measures.
- iv. Identify key plans and strategies developed by the Western Cape Government that relates to the functions of the CMA in line with the developed National Department of Water and Sanitation Strategies, including Disaster Risk Management, Ecological Infrastructure Investment Framework etc.

This Reconciliation Strategy will be a first order reconciliation. Reconciliation however is not a once-off or stand-alone process and must be repeated interactively, then proceeding with the visioning and Resource Directed Measures and Source Directed Control sub-strategies.

- e. **Visioning.** One of the most challenging aspects of developing a vision for water resources is likely to relate to its participatory nature. The vision will need to be developed with the involvement of various stakeholders and interested parties. The objective of the visioning statement is to present a collective, medium- to long-term view of the desired future state of the WMA and its sub-catchments that can be used to derive strategies that are realistic and locally attainable. The intended outcome is a statement of the desired state of the WMA that has been arrived at through stakeholder participation, which provides a medium- to long-term direction that can be used as a basis for deriving sub-strategies.
- f. **Water Resource Protection.** The objective of the Water Resource Protection Strategy is to ensure the long-term catchment water security and sustainability through protection of the water resources, using a suite of statutory and non-statutory tools. Specifically, the strategy must address the Class, Reserve and Resource Quality Objectives (RQOs) of the water resources of each sub-catchment in the WMA. The expected outcome is a

strategy that addresses the holistic, incremental protection of the water resources in each sub-catchment of the WMA through;

- i. Classification,
 - ii. The Ecological Reserve,
 - iii. Setting RQOs for freshwater resources,
 - iv. Addressing water quality and pollution control, as well as
 - v. Establishing strategic partnerships that are intended to protect natural resources, recognizing land-water linkages.
 - vi. Identifying and Highlighting the Strategic Water Resources Areas within the catchment and associated Ecological Infrastructure that should be managed and maintained through proposed Ecological Infrastructure Management Plans that will ensure water for both ecosystems and economic sustainability in the catchment.
- g. **Regulating Water Use (Source directed measures).** The objective of the Water Use Regulation Strategy is to define the limits and constraints that must be imposed on the use of water resources to achieve the desired level of protection, whilst at the same time facilitating the use of water for legitimate social and economic purposes. Specifically, the strategy must address allocation planning, authorisation, and compliance. The expected outcome is to present a comprehensive strategy for verification and validation of water use, allocation planning, authorization, compliance, and enforcement.
- h. **Monitoring and information management.** The objective of the Monitoring and Information Management Strategy is to provide a strategic plan for collecting, accessing, and sharing a wide range of information for the purposes of monitoring and evaluating the status of the Integrated Water Resource Management (IWRM) in a water management area. The expected outcome is a strategy that outlines a comprehensive plan to monitor IWRM actions through methods, procedures, and techniques and for accessing relevant information and data that should be consistent with the National Information Management System.
- i. **Stakeholder Engagement.** The objective of the Stakeholder Engagement Strategy is to guide the CMA in developing a Catchment Management Strategy by seeking cooperation and agreement on water resources management from the various stakeholders and interested and affected persons. The expected

outcome is a database of all the stakeholder groups the WMA participate in the formulation of a Catchment Management Strategy and its sub-strategies.

- j. **Co-operative relationship.** The objective of the Co-operative Relationship Strategy is to set out strategic actions for the establishment and maintenance of an appropriate co-operative and collaborative relationship for Integrated Water Resource Management based on the institutional environment. The expected outcome is a guideline that describes how a CMA will establish and maintain a co-operative and collaborative institutional environment by employing the available capacities in institutions to ensure that IWRM objectives are achieved efficiently and cost effectively
- k. **Financial.** The objective of the Financial Strategy is to provide a strategic framework and principles that will guide the CMA in funding its water resources management activities and achieving financial viability and sustainability. The expected outcome is a strategy that guides financial protocols and procedures and that will determine financial and operational decisions. . The strategy can include considerations for financial mechanisms and structures that can lead to water resources management through co-operative partnerships that is in line with the PFMA.
- l. **Strategy Development.** All the above strategy elements will be combined into a coherent strategy document that satisfies the needs of the relevant legislation and the Guidelines for Catchment Management Strategies. The strategy will also include an Implementation Framework setting out the process and timeframes of the implementation of the CMS. The PSP will follow the instructions and processes of the Guidelines. The PSP will capture any challenges, changes, and proposed improvements to the Strategy.

- i. The Professional Service Provider (PSP) is expected to be a consulting firm but may be a consortium of firms to provide the necessary resources and capacity to undertake the assignment. Deliverables

The following is a suggested minimum set of deliverables for this assignment:

- i. Inception report
- ii. Situational assessment
- iii. Stakeholder Engagement and Visioning report
- iv. CMS
- v. Database with all information used and generated
- vi. CMS implementation plan

The time frames for the development of the CMS need to be stated by the Tenderer in their proposal, however the CMA has allowed for Maximum of **36 months** for the completion of the assignment.

5. STAKEHOLDER CONSULTATION

The Breede-Olifants CMA recognises that significant effort will have to be made to acquaint both the public and other stakeholders with the issues surrounding the development of the CMS. This will ensure buy-in from all stakeholders during the implementation of the strategy.

The PSP must enable the public to actively participate in the CMS project through capacity building sessions before CMS meetings. Capacity building must be able to be provided in the three official languages of the Western Cape.

The PSP shall ensure that stakeholders' inputs have been sought from the earliest stages of the development of the CMS by presenting it to forums to ensure their involvement and soliciting contributions with a view to incorporate public expertise, knowledge, and values into the CMS process. The CMA must establish these forums or identify suitable existing forums that will reach all or most of the interested and affected parties.

Considering the size and diverse nature of the study area, the use of existing forums, water user associations and other key stakeholders as vehicles for stakeholder consultation should be considered.

6. EXPERTS PROFILE

6.1 EDUCATION, EXPERIENCE, REFERENCES AND CATEGORY OF EACH EXPERT

The Professional Service Provider must be highly qualified with extensive knowledge of integrated water resources management and water services management. In addition, the PSP should possess requisite skills in stakeholder participation and must at least have a minimum of 10 years' experience within the field of Integrated Water Resources Management.

The project team should possess the following skills and experience:

- a. An extensive knowledge and understanding of all aspects of water resources, water resources management and water services provision in the Breede-Olifants Water Management area.
- b. In-depth knowledge of the Breede-Olifants Water Management Area, its water resources issues, its main water uses, its stakeholders, and its institutions.
- c. Extensive understanding of the municipal environment within the Western Cape Province and more specifically within the Breede-Olifants Water Management Area.
- d. Knowledge and experience of communication at strategic level as well as at local community level.
- e. The project leader shall have a minimum of 10 years' experience in project management, of which 7 years shall be within the water sector, managing multi-disciplined teams in integrated water resources projects.
- f. Excellent inter-personal communication skills and the team members must demonstrate extensive experience at having worked with communities and or local institutions in the Western Cape Province.
- g. Stakeholder's engagement and various related processes.

6.2 WORKING LANGUAGES

The working languages for the assignment are English, Afrikaans and Xhosa, however the final reports must be in English.

7. DURATION AND LOCATION

7.1 DURATION

The duration of the project is **36 months**.

7.2 LOCATION OF ASSIGNMENT

The project is being implemented by BOCMA as the Contracting Authority with its head office in Worcester.

8. COLLABORATION WITH THE DEPARTMENT OF WATER AND SANITATION (DWS)

Although the drafting of the CMS is mandated to the Breede-Olifants CMA, a few inputs are required from DWS (e.g., inputs related to functions in the WMA which

are not delegated to the CMA). It will be expected from the PSP to closely collaborate with DWS through interaction with the relevant specialised directorates for specific sections of the CMS. Functions in which DWS is involved must be clarified and captured in the relevant sections of the CMS.

9. ORGANISATIONAL MATTERS

9.1 CLIENT AND STUDY NAME

The Chief Executive Officer representing the Breede-Olifants Catchment Management Agency is the client and the study shall be called “Development of the Breede-Olifants Catchment Management Strategy”.

10. DEVELOPMENT OF PROPOSAL

In the development of the proposal the PSP must consider that previously catchment management strategies were developed for the then Breede-Overberg and Breede-Gouritz Water Management Areas. In the proposal the PSP must indicate on how the information and outcomes of this process is going to be used and updated in the development of the catchment management strategy for the Breede-Olifants Water Management Area. The aim must be to build on/expand on the existing information and processes to cater for the additional area. The PSP must in the proposal indicate how the stakeholders of the previous Breede-Gouritz and Olifants-Doorn Water Management Areas will be brought together to develop a catchment management strategy for the Breede-Olifants Water Management Area.

The PSP must develop a proposal and provide a detailed description of the approach and methods that he/she will use to achieve the objectives, outcomes and stakeholders consultation of the project. The PSP will include a detailed cost estimate based on the above timeframes and his/her proposed methodology. The PSP shall also complete the attached supply chain management requirements as appended to this call for proposals.

11. PROPOSAL SUBMISSION

- a. The proposal must provide a detailed work plan including activities, timeframe, deliverables, costs, and rates of consultants.
- b. A clear and concise description must be provided of how the proposed activities will be carried out and how key deliverables will be achieved

together with a Gantt chart indicating activities and timeframes.

- c. Identify possible risks and problem areas which may impact on performance and explain how to possibly avoid or overcome such problems.
- d. Describe how the original support service will be managed, including providing an organisation chart indicating the lines of reporting within the team as well as intended lines of reporting between the tenderer and the CMA.

12. TEAM CAPABILITY AND DETAILS INCLUDING CURRICULA VITAE FOR INTENDED STAFF

Tenderers must clearly list the proposed delivery team whilst describing each member's intended involvement and responsibility. Abbreviated CV's (preferably 1 page) to be provided for each team member, which will include the following information:

- i. Name, age, nationality
- ii. Current position
- iii. HDI status (describing population group, gender, and disabilities)
- iv. Qualifications and professional registrations
- v. Years experience as well as relevant experience.

The evaluation of proposals will place considerable importance on the experience of the proposed staff to perform duties as listed in the TOR.

13. EVALUATION CRITERIA

The 80/20 preference point system will be applicable in the evaluation of proposals/bids.

The functionality of the project proposals will be evaluated according to the criteria and weighting given in the table below:

Phase 1: 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.

DESCRIPTION	MINIMUM PROOF REQUIRED	TICK SUPPLIED	
		YES	NO
Tax Compliance Status	CSD Tax Compliance Proof of CSD registration number		
Completed and signed Compulsory Declaration of Interest Form			
SBD1	Completed, signed and submitted		
SBD 3.3	Completed, signed and submitted		
SBD 4	Completed, signed and submitted		
SBD 6.1	Completed, signed and submitted		
SBD 7.2	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		
Company profile	Detailed company profile		
Financial Statements (valid year is between 2020-2021/2021- 2022/2022-2023)	Financial Statement for the last 3 financial years (Financial statement signed off by an independent professional accountant)		
Valid COIDA certificate	Valid COIDA certificate		

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 : Technical Functionality Compliance.

Bidders must score at least 70 out of 100 in respect of functionality to qualify for advancement to Phase 2. 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

A bidder must meet 70 out of 100 on technical mandatory requirements.

Functionality evaluation will be based on the following criteria:

No.	Functionality	Criteria/ Guide	Max Weight	Score Claimed	
1	Company Experience				
	Company profile including demonstrated experience in conducting large scale integrated water resources management studies, strategies, and plans in the water sector and/or public sector, with a minimum of 10 years traceable reference letters from previous water sector and/or 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 stating the below experience	1 to 10years relevant experience	1	30	
		10 to 13 years relevant experience	2		
		14 to 16 years relevant experience	3		
		17 to 20 years relevant experience	4		
>20 years relevant experience		5			
2	Team Capabilities:				
	2.1 Project Director, 5 Points				
	2.1 Project Director: The project leader shall have a minimum of 10 years' experience in project management, of which 7 years shall be within the water sector, managing multi-disciplined teams in integrated water resources projects. SACNASP/ECSA Registered	1 to 2 years relevant experience	1	35	
		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		
	2.2 Hydrologist, 5 Points				
	Hydrologist/ Water resources modelling Experience and extensive knowledge in undertaking surface water investigations, water balance modelling, drainage modelling and associated reporting; Experience on collection, compilation, presentation, and evaluation/analysis of hydrological data; Ability to integrate water demands with other research areas such as ecology and water quality; Applying water resources management models under a range of climate change scenarios; Developing tools to manipulate/analyse large datasets; and Working knowledge of GIS software such as ArcGIS, Global Mapper and QGIS for pre- and post-processing	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 relevant experience		5			

No.	Functionality	Criteria/ Guide	Max Weight	Score Claimed
	of model data. Reserve Determination studies and Implementation (flows)			
	2.3 Geohydrologist, 5 Points			
	Geohydrologist: Knowledge and vast experience on large scale geohydrological assessments; Hydrogeological Characteristics, Groundwater resource assessment, Groundwater data and information management, Integrated Water Resources Management (IWRM), aquifer management, Groundwater resource planning, Groundwater geophysics, Borehole and aquifer testing, Groundwater mapping. SACNASP Registered	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 relevant experience	5	
	2.4 Stakeholder empowerment and public participation expert, 5 Points			
	Stakeholder empowerment and public participation expert Experience and extensive knowledge of stakeholder engagement and empowerment. Excellent inter-personal communication skills The team members must demonstrate extensive experience at having worked with communities and or local institutions.	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 relevant experience	5	
	2.5 Freshwater Ecologist, 5 Points			
	Freshwater Ecologist: Extensive experience in water resource protection functions and ecological infrastructure including: Water quality Reserve Determination studies and Implementation Resource quality objectives and Implementation Wetlands assessment Wetland and riparian resource mapping (delineation). Surface water verification assessments Freshwater ecological impact assessments Freshwater ecological ecoservices and status determinations Wetland Offset Plans Geographic Information System (GIS) spatial analysis. SACNASP Registered	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 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 plan and methodology			
	<ul style="list-style-type: none"> The proposal must provide a detailed work plan including activities, timeframe, deliverables, costs, and rates of consultants. A clear and concise description must be provided of how the proposed activities will 		35	

No.	Functionality	Criteria/ Guide	Max Weight	Score Claimed
	<p>be carried out and how key deliverables will be achieved together with a Gantt chart indicating activities and timeframes.</p> <ul style="list-style-type: none"> Identify possible risks and problem areas which may impact on performance and explain how to possibly avoid or overcome such problems. Describe how the original support service will be managed, including providing an organisation chart indicating the lines of reporting within the team as well as intended lines of reporting between the tenderer and the CMA. 			
	No project plan and methodology	1		
	Project plan provided with no clear deliverables, methodology & timeframes/milestones.	2		
	Project plan provided with clear deliverables, methodology & timeframes/milestones	3		
	Project plan provided with methodology, deliverables, timeframe/milestone & management of the project.	4		
	Project plan well broken down with methodology, deliverables, timeframe/milestone, quality assurance & management of the project including staff deployment to each activity/ deliverables.	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	

14. PRICE EVALUATION

14.1 Relative competitiveness of the proposed price

15. COST PROPOSAL CONTENT

15.1 The cost proposal will be used in the evaluation of the RFP and will be used as a basis for the negotiated agreement. Each cost proposal should contain the following as a minimum:

- (a) Describe how BOCMA will be charged for the service required by providing a price structure. All charges must be specified and priced separately.
- (b) Describe how BOCMA will benefit from cost saving by accepting the service Provider's pricing structure, including discounts, waivers, etc.
- (c) Provide various types of service providers or options, discounts and additional information that will allow cost savings towards BOCMA
- (d) Provide direct costs, discounts, benefits, availability of service, for example 24 hours per day, including a toll-free number or any other contact method to access these services.
- (e) Describe and provide any direct costs.
- (f) Describe any daily, weekly, monthly rates applicable to providing the service.

16. SPECIFIC GOALS EVALUATION

16.1 In terms of the Preferential Procurement Regulations 2022, a maximum of 20 points may be awarded to a tenderer for the specific goals specified for the tender. Points scored for specific goals will be added to points scored for price and the total will be rounded off to the nearest two decimal places.

Phase 3: Evaluation Process:

The value of this bid is estimated not to exceed R 50 000 000 (all applicable taxes included) and therefore the 80/20 point system shall be applicable.

This RFP, will be evaluated as per the PPR of 2022 on the 80/20 principle.

Where 80 points will be for price and the 20 points for specific goals.

The specific goals will be evaluated as per the following:

Pricing and Specific goals:

The following 80/20 criteria will be used for the evaluation of the proposals:

Pricing: 80 points

Specific Goals: 20 points

Specific goals:

	80/20 Preference point system
51% or more black owned	10
51% or more black women owned	10
Less than 51% black owned	5
Less than 51% black women owned	5
0% black owned	0
Maximum points	20

Please provide proof in order to claim specific goals

Failure to submit proof for specific goals will not disqualify you but you will not score any points for specific goals

17. DISCLAIMER

17.1 BOCMA reserves the right not to appoint a service provider and is also not obliged to provide reasons for the rejection of any proposal.

17.2 BOCMA reserves the right to:

- (a) Award contract to a service provider
- (b) Reject all bids
- (c) Decline to consider any bids that do not conform to any aspect of the bidding requirements
- (d) Cancel this tender or any part thereof at any time.

The following Officials may be contacted for Admin related enquiries.

For enquiries contact: Ms Noxolo Mafanya/Thandile Majola

Telephone number: (023) 346 8000

Email: nmafanya@bocma.co.za / tmajola@bocma.co.za

Technical Enquiries: Mrs Prudence Mahlaba

Telephone:023 346 8000.

Email: pmahlaba@bocma.co.za

18. SPECIFIC CONDITIONS

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

19. RETURNABLE SCHEDULES

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

RETURNABLE SCHEDULE 1: Invitation to Bid (SBD 1)
RETURNABLE SCHEDULE 2: Pricing Schedule (SBD 3.3)
RETURNABLE SCHEDULE 3: Declaration of Interest (SBD 4)
RETURNABLE SCHEDULE 4: Preference Points Claim Form (SBD 6.1)
RETURNABLE SCHEDULE 5: Contract Form (SBD 7.2)
RETURNABLE SCHEDULE 6: Supplier(s)'s Past Supply Chain Management Practices (SBD 8)
RETURNABLE SCHEDULE 7: Certificate of Independent Bid Determination (SBD 9)

20. TERMS AND GENERAL CONDITIONS

- (a) All submissions must be received by the Breede-Olifants Catchment Management Agency no later than **14h00, 02 May 2024**. Respondents must submit their proposals before the closing date and time. No late submissions will be considered;
- (b) All submissions and subsequent information received will become the property of the Breede-Olifants Catchment Management Agency and will not be returned;
- (c) Failure to complete all supplementary information will result in submissions being deemed null and void and shall be considered "non-responsive" and therefore not considered;
- (d) Telegraphic, telexed, faxed or e-mailed submissions will not be accepted;
- (e) Service Providers should submit 5 Copies of proposals, one copy should be an original and clearly marked **Original** and the remaining can be the copies of the Original.

"RFP 2024/03 –"REQUEST FOR PROPOSAL (RFP): DEVELOPMENT OF A CATCHMENT MANAGEMENT STRATEGY FOR THE BREEDE-OLIFANTS WATER MANAGEMENT AREA at the Tender Box of BOCMA at Cnr Mountain Mill and East Lake road; Worcester; 6850.

Proposals may also be posted to:

**Attention: Acting: CHIEF EXECUTIVE OFFICER: RFP 2024/03
DEVELOPMENT OF A CATCHMENT MANAGEMENT STRATEGY FOR
THE BREEDE-OLIFANTS WATER MANAGEMENT AREA;
Private Bag X3055, Worcester ,6850.**

- (f) Respondents or their representatives (including the courier services) must ensure that they register their submissions in the Lodging Sheet at the Reception Desk of the above-mentioned Breede-Olifants CMA Office, wherein they will indicate the name of the person delivering the submission, the number of copies submitted, the time and date of submission and sign the document.
- (g) All enquiries and submissions regarding this Request for Tender (RFP) must be directed to: - Mrs Prudence Mahlaba or Ms Noxolo Mafanya at Supply Chain Management Unit Number: 023 346 8000; Email: pmahlaba@bocma.co.za and/or nmafanya@bocma.co.za
- (h) The contact persons reflected above shall be the only point of contact for this contract. Failure to observe this requirement might lead to immediate disqualification of the respondent;
- (i) The Breede-Olifants CMA reserves the right not to accept any submission
- (j) Bidders must comply with Regulation 13(c) of the Public Service Regulations, 2016 which states that “an employee in the public service shall not conduct business with any organ of state or be a director of a public or private company conducting business with an organ of state, unless such employee is in an official capacity a director of a company listed in ANNEXURE 2 and 3 of the PFMA”
- (k) Submission of a Request for Proposal and its subsequent receipt by the Breede-Olifants CMA does not represent a commitment on the part of the Breede-Olifants CMA to proceed further with any Respondent or any project;
- (l) No costs incurred by the Respondents in the preparation of their submission will be reimbursed;
- (m) Public Liability - Breede-Olifants CMA shall not be liable in respect of any claims, damages, accidents, etc. to persons, properties, vehicle rights, etc. that may arise from the carrying out of this contract.

- (n) Tender prices must remain valid for a period of **120 days** (calculated from closing date of the bid).

21. DISQUALIFICATION

- (a) It must be stressed that any queries relating to this request must be addressed only to pmahlaba@bocma.co.za or nmafanya@bocma.co.za who are identified as contact persons for this contract; Mrs P Mahlaba or Ms N Mafanya: Supply Chain Management Unit Contact Number: 023 – 346 8000. The queries must be in writing addressed to the above-mentioned officials. The queries must be sent to the above-mentioned officials before **25 April 2024**.
- (a) Respondents are not to communicate in any manner or form whatsoever with members of Breede-Olifants Catchment Management Agency's personnel about the RFP until the preferred Supplier(s) has been selected and the procurement process completed;
- (b) Respondents are advised that should there be any contact with Breede-Olifants Catchment Management Agency's staff and the Adjudication Team which could in any way be seen or deemed to constitute a conflict of interest, bribe or otherwise influence the process and the outcome thereof, will result in immediate disqualification;
- (c) Misrepresentation of information presented to the Breede-Olifants Catchment Management Agency, be it on capability statement or empowerment credentials will also lead to disqualification of the respondent.

**RETURNABLE SCHEDULE 1: INVITATION TO BID AND THE TERMS AND CONDITIONS OF BIDDING
(SBD 1)**

SBD1

**PART A
INVITATION TO BID**

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

BID NUMBER:	RFP 2024/03	CLOSING DATE:	02 May2024	CLOSING TIME:	14:00
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DESCRIPTION

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

BREEDE OLIFANTS CATCHMENT MANAGEMENT AGENCY

CNR MOUNTAIN MILL AND EAST LAKE ROAD

WORCESTER

6850

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO	TECHNICAL ENQUIRIES MAY BE DIRECTED TO:
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CONTACT PERSON	NOXOLO MAFANYA	CONTACT PERSON	Mrs Prudence Mahlaba
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TELEPHONE NUMBER	023 346 8000	TELEPHONE NUMBER	023 346 8000
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FACSIMILE NUMBER	023 347 2012	FACSIMILE NUMBER	023 347 2012
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E-MAIL ADDRESS	nmafanya@bocma.co.za	E-MAIL ADDRESS	pmahlaba@bocma.co.za
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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
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1.1.1.1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?

Yes No

[IF YES ENCLOSE PROOF]

1.1.1.2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?

Yes No

[IF YES, ANSWER THE QUESTIONNAIRE BELOW]

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES 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

1. BID SUBMISSION:
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>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.</p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p> <p>1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</p>
2. TAX COMPLIANCE REQUIREMENTS
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>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.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>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.</p> <p>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."</p>

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:

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	BID NO.:
CLOSING TIME 14:00	CLOSING DATE.....

OFFER TO BE VALID FORDAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)	
1.	The accompanying information must be used for the formulation of proposals.		
2.	Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.	R.....	
3.	PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)		
4.	PERSON AND POSITION	HOURLY RATE	DAILY RATE
	-----	R-----	-----
	-----	R-----	-----
	-----	R-----	-----
	-----	R-----	-----
	-----	R-----	-----
5.	PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT		
	-----	R-----	----- days
	-----	R-----	----- days
	-----	R-----	----- days
	-----	R-----	----- days
5.1	Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.		
	DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY AMOUNT
	-----	.....	..... R.....
	-----	.....	..... R.....
	-----	.....	..... R.....
	-----	.....	..... R.....
		TOTAL: R.....	

“Applicable taxes” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	R.....
.....	R.....
.....	R.....
.....	R.....
TOTAL: R.....			

- 6. Period required for commencement with project after acceptance of bid
.....
- 7. Estimated man-days for completion of project
.....
- 8. Are the rates quoted firm for the full period of contract? *YES/NO
- 9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.
.....
.....
.....

***[DELETE IF NOT APPLICABLE]**

Any enquiries regarding bidding procedures may be directed to the –
(INSERT NAME AND ADDRESS OF DEPARTMENT/ENTITY)

Tel:

Or for technical information –

(INSERT NAME OF CONTACT PERSON)

Tel:

RETURNABLE SCHEDULE 3: DECLARATION OF INTEREST (SBD 4)

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.

1. **To give effect to the above, the following questionnaire must be completed and submitted with the bid.**

1.1 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:
.....

1.1.1 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;
 - I provincial legislature;
- (d) national Assembly or the national Council of provinces; or
 - I 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 **YES / NO**
presently employed by the state?

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 **YES / NO**
the appropriate authority to undertake remunerative
work outside employment in the public sector?

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

(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 / **YES / NO**
trustees / shareholders / members or their spouses conduct
business with the state in the previous twelve months?

2.8.1 If so, furnish particulars:

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

2.9 Do you, or any person connected with the bidder, have **YES / NO**
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?

1.1.1 If so, furnish particulars.

.....
.....

.....

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

2.10.1 If so, furnish particulars.

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

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

2.11.1 If so, furnish particulars:

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

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

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

1 DECLARATION

I, THE UNDERSIGNED

(NAME).....

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

3 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

RETURNABLE SCHEDULE 4: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022 (SBD 6.1)

SBD 6.1

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL
PROCUREMENT REGULATIONS 2022**

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
Total points for Price and SPECIFIC GOALS	100

- 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 regarding 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:

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 \mathbf{Ps} = \mathbf{80} \left(\mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right) & \mathbf{or} & \mathbf{Ps} = \mathbf{90} \left(\mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right)
 \end{array}$$

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:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} \end{array}$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmax = 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 (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
51 % or more black owned		10		
51% or more black women owned		10		
Less than 51% black owned		5		
Less than 51% black women owned		5		
0% black owned		0		

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.

	..... SIGNATURE(S) OF TENDERER(S)
SURNAME AND NAME:	.....
DATE:	.....
ADDRESS:	.....

CONTRACT FORM - RENDERING OF SERVICES

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

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

- 1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals 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 date of the 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;
 - Proof of tax compliance status;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claim form for Preferential Procurement in terms of the Preferential Procurement Regulations;
 - Bidder's Disclosure form;
 - 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 services 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 fulfilment 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 - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

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

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	TOTAL PREFERENCE POINTS CLAIMED	POINTS CLAIMED FOR EACH SPECIFIC GOAL

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

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1

2

DATE:

**RETURNABLE SCHEDULE 6: DECLARATION OF SUPPLIER(S)'S 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	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Manufacturers 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 Manufacturers 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	<p>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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND
CORRECT.

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

**RETURNABLE SCHEDULE 7: CERTIFICATE OF INDEPENDENT BID
DETERMINATION (SBD 9)**

- 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(s) of goods and services if the Supplier(s) committed any corrupt or fraudulent act during the bidding process or the execution of that contract.

- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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

SBD 9:- CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

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

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

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

- (a) prices;
- (b) geographical area where product or service will be rendered (market allocation)
- (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.

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 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