



SCM /Tender Ref #:	DPME18/2019-20
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Request for proposals for:	Employee Health & Wellness Services for the Department of Planning Monitoring and Evaluation for the period of 3 years (36 months)
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**Bid closing date and time as well as the date and time of briefing session (if any) are indicated on the attached SBD1. Quotations / proposals received after the closing date and time indicated on SBD 1 will not be accepted.**

**Bidders must provide one original and 5 (five) copies of proposals submitted.**

**Only 1 (one) original price proposal and SBDs are required.**

Estimated project start date:	Expected project duration (Months)
1 January 2020	36

### 1. BID INFORMATION

Information and guidelines on the format and delivery of bids are contained in the attached bid documents. Please take note of the closing date and date of compulsory briefing session (if any).

### 2. PROPOSAL FORMAT

**A detailed proposal in response to this ToR must be submitted.** The proposal should contain all the information required to evaluate the bid against the requirements stipulated in this terms of reference. The following must be attached to the proposal as annexures:

- **Annexure B1:** Proposed team (Must use attached Excel template)
- **Annexure B2:** Summary of past experience of team members (Must use attached Excel template)
- **Annexure B3:** Deliverables and allocation of time to team members (Must use attached Excel template).
- **Annexure B4:** Pricing information. Price proposals must include VAT and should be fully inclusive to deliver the all outputs indicated in the terms of reference (Must use attached Excel template).
- The published terms of reference (this document, including Annexure A to this document).
- All other forms / certificates required (see bid documents).

### 3. CONDITIONS OF BID

Detailed conditions applicable to all bids are contained in the bid documents accompanying this Terms of Reference. Only suppliers that meet all the requirements stipulated in the terms of reference and bid documents will be considered.

No late bids will be accepted. Only bids from service providers that attended the compulsory briefing session (if specified above) will be considered. Bids must be valid for a minimum period of 120 days after the closing date.

ENQUIRIES		
Name:	Ziyanda Mtwa- Modupe	SCM general
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#### 4. BACKGROUND

Annexure A contains a detailed description of the requirements for this project, including:

- Background / context
- Problem statement / purpose
- Objectives and scope of project
- Deliverables and time frames

#### 5. EXPERIENCE / SKILLS / PAST PERFORMANCE

The attached spreadsheet must be used to summarise qualifications, skills and experience and to cost the proposal.

##### 5.1 Company Composition

Preference will be given to companies that meets the PDI ownership and Team composition.

51 % Black ownership.

##### Team Composition

##### 5.1.1 Empowerment requirements

The proposed team must meet the following empowerment requirements:

- **Women PDI%:** At least 30% of the person-days required to complete this project must be allocated to Previously Disadvantaged Individuals (PDIs)[1]; and

##### 5.1.2 Qualifications and Experience required

- The company management must have a minimum of 3 years' experience in rendering Employee Health and Wellness services for organisations (+/-450) employees.
- Three (3) contactable references from the previous/current organisations must be provided. See annexure C for format of references.
- The company must provide evidence that they have appropriately qualified Doctors, Social Workers, Nurses, Psychologists, Lawyers, and Financial advisors, registered with relevant professional bodies (**Attach evidence**).

Roles*	Qualifications	Experience
Medical Doctors	Minimum: Medical Doctors- MBChB or equivalent. Registered as a Medical Practitioner with HPCSA	Minimum: 5 years' experience in the related fields.
Social Worker	Minimum: A Degree in Social Worker. Registered with the SACSSP.	Minimum: At least 7 years total work experience and at least 3 years in the indicated sector.
Psychologists	Registered with HPCSA(e.g. Clinical, counselling, education, industrial, research psychologist)	5 years relevant experience.
Lawyers	LLB or equivalent qualification. Admission as an Attorney /Advocate.	Minimum: 5 years post qualifications, litigation /Advisory experience.
Nurses	Basic R425 qualification registered with SANCA	5 years' experience as a professional nurse with SANC in general nursing.
Other expert(s)**: ( Motivational speaker, life coaches)	Minimum: Life coaching Diploma or level 3 official Certification.	Minimum: At least 5 years work experience in the indicated sector.

\* One team member can have more than one of the roles indicated.

\*\* Score will be combined for all experts – All experts must meet minimum criteria stipulated above to receive a score of 3.

##### 5.1.3 Proposal

Initials of specification committee members: \_\_\_\_\_

5.1.3.1. The scope of the proposal must be aligned to the Employee Health and Wellness Strategic Framework for the Public Service in four areas such as HIV & AIDS and TB Management, Health and Productivity Management, SHERQ Management (Safety, Health, Environment, Risk, Quality) and Wellness Management. In terms of management of absenteeism, the service provider to align their consultancy services to the provisions of PILIR.

5.1.3.2. Bidders must demonstrate how they are going to render the service to the Department.

## 5.2 Confirmation of experience, qualification and availability

The following must be submitted for each of the proposed team members:

- Written confirmation of availability (signed by the proposed team member) for the expected duration of the project and an undertaking to render the services and perform the deliverables outlined in Annexure B.
- Detailed CV indicating qualifications, previous experience as well as letters of reference (references must be contactable).
- Copies of qualifications.

DPME reserves the right to verify all qualifications through the South African Qualifications Authority and to verify experience indicated on CVs with third parties.

## 5.3 Past performance

The past performance of bidders in executing similar projects will be evaluated using the references supplied by bidders as well as any other information available to the panel. Below satisfactory performance on a particular project may only be considered if such performance was communicated to the bidder by the contracting party and the bidder was given a reasonable opportunity to correct any deficiencies highlighted by the contracting party. The Department reserves the right to reject a bid if the service provider failed to perform satisfactorily on similar projects.

## 5.4 Project management

The bid proposal submitted by the bidder must include a detailed **project plan**. Summary of deliverable must be included. The start of the project will depend on the DPME procurement process.

## 6. COSTING METHODOLOGY

Prices must be inclusive of VAT (if VAT registered) and must include all costs to fully execute all deliverables indicated in this ToR. No variation in contract price will be permitted. **Annexure B4** must be used to summarise costing.

## 7. EVALUATION OF BIDS

### 7.1. Administrative requirements

**Annexures B1 to B4 must be completed using Microsoft Excel or compatible software. Annexures completed by hand (in writing) will not be accepted and such bids will be regarded as administratively non-compliant.**

Only bids / quotes that comply with all administrative requirements and that submitted all required bid documents (acceptable bids) will be considered during the functional evaluation phase. Only acceptable bids / quotes will be scored by the Bid Evaluation Committee against the functional criteria indicated in this Terms of Reference.

### 7.2. Scoring of bids (functional criteria)

The following weighting and scoring system will be applied to the evaluation of all functional criteria:

Weight allocation	Scoring system
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Initials of specification committee members: \_\_\_\_\_

1 – Value adding requirement (minimum score of 2)	1 – Does not comply with the requirements
3 – Important requirement (minimum score of 6 or 9)	2 – Partial compliance with requirements
5 – Essential requirement / integral part of project (minimum score of 15)	3 – Full compliance with requirements
	4 – Exceeds requirements

**Score per criteria:** The final score obtained by a bidder for each criteria will be calculated by multiplying the weight and the score indicated by each Bid Evaluation Panel member and then by averaging the scores of all panel members. The average score per criteria is expressed as a number.

The **overall score** obtained by a bidder (expressed as a percentage) will be calculated as follows:

$$\text{Overall Score (\%)} = \frac{\text{Sum of average scores for all criteria}}{\text{Sum of weights} \times 4} \times 100$$

### 7.3. Functional evaluation Part 1 – Quantitative criteria

**Part 1: Minimum functional requirements:** Only bids that scored at least the minimum score for each criteria will proceed to functional evaluation part 2. In cases where bidders submitted insufficient evidence or where evidence is ambiguous, bidders may be requested to provide additional evidence and may be re-scored based on this information. Additional information submitted may only be used as evidence to substantiate what is already contained in the proposal. The costing and content of proposals may not be amended.

Functional Evaluation Criteria		Weight	Min. Score
1.1	<b>The company must provide evidence of meeting PDI ownership requirements:</b> 1= Company does not meet the minimum requirements 3= Company meets all the minimum requirements. 4= Company exceeds the minimum requirements	3	9
1.2	<b>The company must provide evidence of meeting PDI Team requirements:</b> 1= Company does not meet the minimum requirements 3= Company meets all the minimum requirements. 4= Company exceeds the minimum requirements	3	9
1.3	<b>The company must provide evidence that they have a 24/7 toll free call centre facility (par 4 of Annexure A)</b> 1= Company does not meet the minimum requirements 3= Company meets all the minimum requirements. 4= Company exceeds the minimum requirements	3	9
1.4	<b>Company management must provide proof that they have minimum of 3 years' experience in rendering EHW services (attach contactable reference/s letters) (par 5.1.2).</b> 1= Company does not meet the minimum requirements 3= Company meets all the minimum requirements 4= Company exceeds the minimum requirements	3	9
1.5	<b>The company is able to provide the minimum requirements as per Annexure A par 4</b> 1= Company does not meet the minimum requirements 3= Company meets all the minimum requirements 4= Company exceeds all the minimum requirements	3	9

Functional Evaluation Criteria		Weight	Min. Score
1.6	<p><b>The company must provide evidence that they have appropriately qualified Doctors, Social Workers, Nurses, Psychologists, Lawyers, and Financial Advisers, registered with relevant professional bodies. (par 5.1.2)</b></p> <p>1= Company does not meet the minimum requirements 3= Company meets all the minimum requirements 4= Company exceeds all the minimum requirements.</p>	3	9

**\*\* Combines score for all experts – All experts must meet minimum criteria stipulated above to receive a score of 3.**

#### 7.4. Functional evaluation Part 2 – Qualitative criteria

The functional evaluation criteria indicated below will be applied during Part 2 of functional evaluation to all bids that met the minimum requirements stipulated under Functional Evaluation Part 1. During part 2 the Bid Evaluation Committee may:

- Evaluate and score bids based on the bid documents and proposals submitted; or
- Provisionally evaluate and score bidders based on proposals submitted and then invite bidders that met all requirements under Part 1 and a provisional overall score of at least 60% for both functional evaluation parts 1 and 2, to present their bids.

The final evaluation and scoring of bids will be based on the proposals submitted, as well as on information provided by bidders during bid presentations (if applicable). Presentations can be used to summarise and clarify bids and may not substantially depart from the proposals submitted.

If a bidder is unable to attend a bid presentation on the date requested by the Bid Evaluation Committee, then the bidder must be afforded another opportunity within 5 working days. If a bidder is for a second time unable to attend a bid presentation, then the bid must be evaluated based on the bid documents and proposals submitted only.

**Part 2: Minimum functional requirements:** Only bids that obtained the minimum score for each criteria as well as an overall score of at least 75% for both functional evaluation parts 1 and 2, will proceed to Price/PPFA evaluation.

Functional Evaluation Criteria		Weight	Min. Score
2.1	<p><b>Understanding the brief. The proposal by the service provider: (par 5 of ToR)</b></p> <p>1= Did not address the purpose and objectives of the project. 2= Proposal shows minimal understanding of the service and partially addresses the purpose and objectives of the project. 3= Proposal shows good understanding of the service and fully addresses the purpose and objectives of the project. 4= Proposal shows exceptional understanding of the service, the purpose and objectives of the project responded innovatively and proposal offered added value to the project.</p>	3	9
2.2	<p><b>Proposed approach</b></p> <p>1= Proposed methodology is not aligned to the purpose and key questions. 2= Proposed methodology is partially aligned to the purpose and key questions. 3= Project design, sample, data collection tools and analytical framework proposed is fully aligned to the purpose and key evaluation questions. 4= In addition to 3, the methodology is innovative and will add value beyond the originally intended purpose and objectives of the project.</p>	3	9

#### 7.5. Price / BBEE / PPFA

Only bids that meet the minimum administrative and functional requirements / specifications indicated in the ToR (qualifying bids) will be evaluated in terms of the Preferential Procurement Framework Act and related regulations – see attached bid documents. The evaluation method (80/20 or 90/10) and preference points allocation applicable to this bid are indicated in the attached SBD 6.1.

## 8. CONTRACT MANAGEMENT

The successful bidder will be required to enter into a service level agreement (SLA) with the Department of Planning, Monitoring and Evaluation. The National Treasury General Conditions of Contract (GCC) will form part of the SLA to be concluded between DPME and the successful bidder. A copy of the standard DPME SLA is available on the DPME tenders website. Bidders should familiarise themselves with the content of the standard template.

Bidders should note that:

- All information related to this bid, or information provided to the service provider subsequent to the award of this bid, must be treated as confidential and may not be disclosed in any way to third parties without the explicit written consent of DPME.
- All right, title and ownership of any Intellectual Property developed by or for the Service Provider or DPME independently and outside of execution/production of the Deliverables related to this bid, and provided during the course of this project ("Background IP") shall remain the sole property of the party providing the Background IP.
- To the extent that the Service Provider utilises any of its Background IP in connection with the Deliverables, such Background IP shall remain the property of the Service Provider and DPME shall acquire no right or interest therein, save that, upon payment of the applicable consideration, the Service Provider shall grant DPME a non-exclusive, royalty-free, non-transferable licence to use such Background IP strictly for purposes of making beneficial use of the Deliverables into which such Background IP has been incorporated.
- All Intellectual Property rights in Bespoke Deliverables are or will be vested in and owned by DPME unless specifically agreed otherwise in writing. The Service Provider agrees that it shall not, under any circumstances, question or dispute the rights and ownership of DPME in and to the Bespoke Deliverables. DPME shall grant the Service Provider a non-exclusive, royalty free, non-transferable licence to use the Bespoke Deliverables for the purpose of performing its obligations under this project.
- The Service Provider may not publish or sell, in whole or in part, any Bespoke Deliverables emanating from this project without the explicit written consent of DPME.
- The Copyright of any Bespoke Deliverables shall vest in DPME.

## 9. SPECIAL CONDITIONS APPLICABLE TO THIS BID

**The service provider must submit the following before the 10th of each month:**

- 9.1. Monthly and quarterly reports on client usage and organizational health trends with recommendations on interventions to improve the health and wellbeing of DPME employees.
- 9.2. Detailed monthly invoices containing cost breakdown, VAT inclusive

**TERMS OF REFERENCE: ANNEXURE A**

<b>SCM /Tender Ref #:</b>	DPME18/2019-20
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<b>Request for proposals for:</b>	Employee Health & Wellness Services for the Department of Planning Monitoring and Evaluation for the period of 3 years (36 months)
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**1. BACKGROUND / CONTEXT**

The Department has adopted a dual /combined EAP model as part of its Employee Health and Wellness Programme (EHWP). The EHWP forms an integral part of the department’s overall Human Resource Plan. The primary goal of the EHWP is to empower employees to take ownership of their overall wellbeing and provide them with the necessary support as well as appropriate interventions towards their optimal functioning and productivity in both their work and personal lives.

**2. PROBLEM STATEMENT / PURPOSE**

2.1 To appoint a suitable service provider that will ensure that the Department provides an effective employee health & wellness to all employees (±450 employees including the next three year) within DPME and their immediate family members for a period of three years, which includes but limited to face to face counselling inclusive of Psychologists and social workers as well as telephonic counselling

**3. OBJECTIVES AND SCOPE OF PROJECT.**

- 3.1. To acquire the services of an external service provider to provide EHW service that are professional comprehensive, flexible, accessible and responsive to all DPME employees and their families for a period of 3 years.
- 3.2. A detailed project plan, including professional and technical knowledge, experience, capacity and methodology on how the Employee Wellness and e-Care services will be rendered and how all the deliverables will be achieved.
- 3.3. Profile of the company including a description of similar work/projects undertaken for a period of 3 years. They must attach contactable reference/s.
- 3.4 DPME will provide venues / private rooms for counselling conducted on sites.

**4. DELIVERABLES AND TIME FRAMES**

Description	Expected date	% of project (Payment)
<p><b>Implementation of an Employee Wellness Program (EWP) that focuses on the following:</b></p> <p>4.1. Telephonic counselling which will be unlimited to employees and their dependents. Successful bidder shall have a Toll Free Call Centre facility operating <b>24/7</b> and the service shall be rendered in <b>11</b> official languages. (the department reserve the right to test this requirement).</p> <p>4.2. Face to face counselling. Six (6) sessions per employee per case in a period of twelve months and Six (6) sessions per family per case in a period of twelve months. (available nationally).</p> <p>4.3. Above telephone or face to face <b>counselling</b> to be provided in the following areas:</p>	<ul style="list-style-type: none"> <li>1. Counselling Services – 24/7 (and 365 days in a year)</li> <li>2. Legal and financial management advice – as per telephone or face to face counselling upon referral or self-referral by employees. (4.1)</li> <li>3. Interactive website on all EHW issues Provide monthly desk drops / articles on financial management, legal services and health and wellness.</li> <li>4. Health promotion – Implement the wellness awareness campaigns in line with the National Health and DPME wellness Calendar. (Calendar will be provided and service provide to plan events</li> </ul>	On requirement

**TERMS OF REFERENCE: ANNEXURE A**

Description	Expected date	% of project (Payment)
<p>4.3.1. Stress and health issues</p> <p>4.3.2. Relationship and marital problems</p> <p>4.3.3. Substance abuse</p> <p>4.3.4. HIV &amp; AIDS. TB and STI counselling and support. HIV &amp; TB management (Provide unlimited free counselling sessions for employees infected/affecting by HIV/AIDS).</p> <p>4.3.5. Trauma and critical incident debriefing.</p> <p>4.3.6. Referral to appropriate social welfare and health services institutions. All referrals to a secondary services provider will be for the employee's account.</p> <p>4.3.7. Health and wellness events on site (on DPME premises No. 330 Grosvenor Street, Hatfield and 535 Johannes Ramokhoase Street, Arcadia).</p> <p>Cape Town Offices – Only when there's an Urgent Need.</p> <p>4.3.8. Absenteeism and incapacity consultancy both employees and managers – as when as needed in consultation with the Sub-directorate: LR, EHW &amp; SS.</p> <p>4.3.9. Critical incident service (trauma and onsite counselling) – as and when need.</p> <p>4.3.10. Monitoring and evaluation by providing monthly and quarterly reports on client usage and organisational health trends with recommendations in interventions to improve the health and wellbeing of DPME employees.</p> <p>4.3.11. Health promotions programmes (Implement the wellness campaigns in line with the National Health and DPME wellness calendar.</p> <p>4.3.12. Interactive website to provide monthly desk drops on financial management, legal services in line with the National Health and Wellness. Continues marketing initiatives of the program to employees (Desk Drops).</p> <p>4.3.13. Psychological support services in relation to employee's mental, social, physical and spiritual wellbeing, including the provision of counselling services for the employee and their next of kin.</p> <p>4.3.14. Personal support for traumatized employees as and when required in</p>	<p>along National Health calendar in agreement with DPME Sub-directorate: LR, EHW &amp; SS).</p> <p>5. Conduct four (4) Financial Wellness per annum.</p> <p>6. Four (4) Workshops per Financial year awareness programmes on variety of topics targeting special groups (all employees, females, males, managers, youth, parents, etc.).</p> <p>7. Advice about life challenges (parenting skills, educational matters, stress management, depression and anxiety) – 4 sessions per annum on Site. (DPME offices)</p> <p>8. Reports:(monthly before the 10<sup>th</sup> of following month. Quarterly – before the 10<sup>th</sup> of following month).</p> <p>9. Appointment of key account manager/liaison to our service.</p>	

**TERMS OF REFERENCE: ANNEXURE A**

Description	Expected date	% of project (Payment)
cases of personal incidents and accidents related to self or their next of kin.		
<p><b>Development and Implementation of a Health and Productivity Management Program</b></p> <ul style="list-style-type: none"> <li>Life threatening disease awareness and management including but not limited to HIV/AIDS, Diabetes, TB, Hypertension and other related chronic diseases.</li> </ul>		On requirement

**5. PROJECT MANAGEMENT / REPORTING ARRANGEMENTS**

**The proposal must contain how monthly reports will be provided to the Department.**

**Monitoring and evaluation by providing monthly, quarterly and annual reports on client usage and organizational health trends with recommendations on interventions to improve the health and wellbeing of DPME employees.**

**The service provider must submit the following before the 10<sup>th</sup> of each month:**

- 5.1 Monthly and quarterly reports on client usage and organizational health trends including recommendations on interventions to improve the health and wellbeing of DPME employees on all programmes to be provided in an excel and pdf format.
- 5.2 Detailed invoices containing cost breakdown, all invoices must include VAT.
- 5.4 All Monthly and quarterly reports to be submitted to the department before the 10<sup>th</sup> of each month.
- 5.5 Both quarterly and annual reports must include trends and risks analysis to be cascaded down to branch level.
- 5.6 The Department reserve the right, through the internal EHW practitioner, to require reports pertaining to a self-referral cases upon the consent of the employee. Such reports must indicate specific recommendations of the attending EHW practitioner.

**6. RESOURCES FROM DPME AVAILABLE TO POTENTIAL SERVICE**

- 6.1 Venues will be made available to conduct onsite wellness events.
- 6.2 Meetings/consulting rooms for onsite counselling sessions.

**TERMS AND CONDITIONS APPLICABLE TO ALL BIDS**



**planning, monitoring  
& evaluation**

Department:  
Planning, Monitoring and Evaluation  
**REPUBLIC OF SOUTH AFRICA**

**STANDARD DOCUMENTS TO BE SUBMITTED FOR ALL BIDS  
(INCL. TENDERS) FROM R30,000 UP TO R50,000,000**

The term "Bid" Includes price quotations, advertised competitive bids, limited bids and proposals.

<b>Required Documents</b>	<b>Check Bidder</b>	<b>Verified SCM Unit</b>
Central Suppliers Database Registration Report Attached – Not older than 30 days NB: <b>Only suppliers registered on CSD may bid. All required CSD information up to date.</b>		
Invitation to bid (SBD 1)		
Declaration of interest (SBD 4)		
Preference Points Claim (SBD 6.1)		
Declaration of past supply chain management practices (SBD 8)		
Certificate of Independent Bid Determination (SBD 9)		
Valid B-BBEE Status Level Verification Certificate (Original or Certified Copy) bearing SANAS logo. QMEs/EMEs: Sworn affidavit / CIPC confirmation of turnover etc.		
<b>Additional documentation required for certain types of bids. If applicable the additional documents will be distributed as part of the tender / bid documentation</b>	<b>Check Bidder</b>	<b>Verified SCM Unit</b>
Declaration certificate for local production and content for designated sectors (SBD 6.2) and all applicable Annexures.		

<b>Declaration</b>			
<ul style="list-style-type: none"> <li>• I have read and agree to the General Conditions of Contract related to Government procurement (Available on DPME tenders web page or from National Treasury).</li> <li>• I have studied, accurately completed and submitted all the documents indicated in the above checklist.</li> <li>• I have read and agree with the conditions applicable to all bids as contained in this document.</li> <li>• I have noted and will comply with the delivery time frames indicated in the specifications / terms of Reference.</li> <li>• I am the authorised signatory of the applicant.</li> <li>• I have noted that the Department may publish the names of bidders, total bid prices indicated in SBD 1 and B-BBEE points claimed, after the closing date of the bid.</li> </ul>			
Signature		Date	
Name of Signatory			
Designation of Signatory			
Name of bidder (if different)			

**ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:**

Contact persons indicated on the bid documents; or

Head of Procurement Services: 330 Grosvenor Street, Hatfield, Pretoria. dpme.scm@dpme.gov.za. Tel 012 473 1222

## TERMS AND CONDITIONS APPLICABLE TO ALL BIDS

**ALL DPME BID DOCUMENTS ARE AVAILABLE FREE OF CHARGE FROM THE DPME WEBSITE OR DPME OFFICES AND ARE NEVER SOLD**

**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 WHO ARE PERSONS IN THE SERVICE OF THE STATE.**

### 1. GENERAL

This request is issued in terms of all applicable legislation, including but not limited to: the Public Finance Management Act (Act 1 of 1999) as amended (PFMA), Treasury Regulations, the Preferential Procurement Policy Framework Act 5 of 2000 (PPFA), the Preferential Procurement Regulations, 2017 (PPR), Supply Chain Management instructions issued by the National Treasury, General Conditions of Contract published by National Treasury (GCC), the B-BBEE Act (Act 53 of 2003), applicable Departmental Policies and any other special conditions of contract indicated in bid documents.

- Lead times / delivery periods should be clearly indicated in the quotation / proposal where applicable. The Department reserves the right to cancel any order where the delivery period indicated in the quotation / proposal is extended.
- The Department reserves the right to require delivery of the goods as specified, at the price quoted, regardless of any differences in specifications contained in the quotation.
- The Department reserves the right to make public the names of all bidders as well as total bid prices and B-BBEE points claimed, after the closing date and time for the bid.
- The Department reserves the right NOT to appoint any Service Provider or to withdraw this request for bids/proposals.
- The Department reserves the right to split the award of the bid between two or more Service Providers or to award only a part of the bid.
- The Department reserves the right to call bidders that meet the minimum functional requirements to present their proposals. The Bid Evaluation Committee may decide to amend the scoring assigned to a particular bid based on the presentation made.

### 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 Department to verify the taxpayer's profile and tax status.
- 2.3. Applications for a tax compliance status (TCS) certificate or pin may be made via e-filing through the SARS website [www.sars.gov.za](http://www.sars.gov.za). Bidders may also submit a printed TCS certificate with this bid.
- 2.4. Where no TCS pin is available but the bidder is registered on the central supplier database (CSD), a CSD number must be provided and the tax compliance status on CSD will be utilised by the Department.
- 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. The tax compliance requirements are not applicable to foreign bidders / individuals with no South African tax obligations or no history of doing business in South Africa. Foreign suppliers must complete a pre-award questionnaire from SARS on their tax obligation categorisation.
- 2.7. For the purposes of section 256 of the Tax Administration Act of 2011 the bidder / supplier authorises the South African Revenue Service to disclose "taxpayer information" as contemplated under the provisions of Chapter 6 of the Act in relation to the compliance status of tax registration, tax debt and filing requirements to the Department of Planning, Monitoring and Evaluation.

### 3. ADMINISTRATIVE COMPLIANCE

Only proposals that comply with all administrative requirements (including tax compliance requirements) will be considered acceptable for further evaluation. Incomplete and late bids may be rejected. All documents indicated on page 1 must be submitted with each bid. Bidders must use the Standards Bid Documents (SBDs) included in this document (documents may not be re-typed)

## TERMS AND CONDITIONS APPLICABLE TO ALL BIDS

All quoted prices must be **inclusive of VAT** and must be valid (firm) for at least 30 days for all bids excluding open tenders and for 120 days for open tenders, from the closing date indicated on SBD 1. Prices dependent on the **exchange rate** should include reference to the exchange rate used. Price escalations and the conditions of escalation should be clearly indicated. No variation of contract price or scope creep will be permitted unless specifically allowed in the ToR / specifications.

### 4. FUNCTIONAL EVALUATION

Functional criteria and/or specifications are contained in the specifications sheet or Terms of Reference distributed for this bid. Unless otherwise indicated in the ToR / specifications sheet, only service providers that submitted acceptable bids and that met all functional / specifications requirements will proceed to the PPPFA evaluation phase

### 5. PRICE EVALUATION: THE PPPFA

DPME applies the provisions of the PPPFA and Regulations to all bids with an estimated cost from R30,000. Bid amounts in the case of this particular RFQ/RFP/Tender are estimated to be R30,000 or more and the PPPFA preference points system will be applied, even if all bids received are below R30,000.

Only bids that meet all administrative requirements and meet the minimum functional requirements indicated in the ToR / specifications sheet will be evaluated in terms of the PPPFA and related regulations. Points will be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table contained in SBD 6.1. The applicable evaluation method is indicated in SBD 6.1.

Consortia or joint ventures must take note of SBD 6.1, paragraphs 5.4 and 5.5 regarding requirements for B-BBEE certificates.

If the 80/20 preference point system is specified on SBD 6.1 and all bids received exceed R50,000,000, the bid will be evaluated on the 90/10 preference point system.

### 6. REJECTION OF QUOTES / PROPOSALS

Any effort by a bidder to influence the bid evaluation, comparisons or award decisions in any manner, may result in rejection of the bid. DPME shall reject a bid if the bidder has committed a proven corrupt or fraudulent act in competing for a particular contract. DPME may disregard any bid if the bidder or any of its subcontractors:

- a) Is not tax compliant
- b) Have abused the Supply Chain Management (SCM) system of the Department or any other government department, agency or entity.
- c) Have committed proven fraud or any other improper conduct in relation to such system.
- d) Have failed to perform on any previous contract.
- e) Supplied incorrect information in the bid documentation.

### 7. VETTING

The Department reserves the right to approach the relevant authorities to verify the following for each bidder: Citizenship status (individuals); Company information; Criminal records (individuals); Previous tender and government contracts track records; Government employment status (individuals); Company / closed corporation ownership / membership status (individuals); Suitability to handle confidential government information; government employment status of bidders/staff/directors; Qualifications of bidders / contractors / team members; and any other information contained in bid documents

### 8. CENTRAL SUPPLIERS DATABASE

**8.1. All suppliers must be registered on the Central Suppliers Database (CSD) managed by National Treasury ([www.csd.gov.za](http://www.csd.gov.za)).**

8.2. The following information must be up to date on CSD:

- Tax compliance status
- B-BBEE Level (as indicated on B-BBEE certificate or sworn affidavit)

## TERMS AND CONDITIONS APPLICABLE TO ALL BIDS

- Turnover (EME, QSE, etc.)
- Black ownership
- Women ownership
- Youth, Disabled and Military Veteran ownership
- Verified banking details
- Contact details

8.3. It is the responsibility a supplier to inform the DPME immediately in writing of any changes in details and to provide DPME with an updated CSD report. DPME shall have the right to, in addition to any other remedy that it may have in terms of applicable legislation, cancel the contract and to claim damages if a bid is awarded based on incorrect information contained in the CSD report.

### 9. COMMITMENTS BY PARTIES

9.1. The Service Provider undertakes to:

- 9.1.1. Conduct business in a courteous and professional manner.
- 9.1.2. Provide the necessary documentation as requested prior to the awarding of the contract.
- 9.1.3. Comply with all relevant employment legislation and applicable bargaining council agreements, including UIF, PAYE, etc. DPME may monitor compliance for the duration of the contract and implement penalties for non-compliance.
- 9.1.4. Manage internal disputes among his/her staff in such a way that DPME is not affected by those disputes.
- 9.1.5. Comply with the DPME security and emergency policies, procedures and regulations at DPME premises.
- 9.1.6. Ensure that all work performed and all equipment used at DPME facilities are in compliance with the Occupational Health and Safety Act, 1993 (Act no. 85 of 1993) and any regulations promulgated in terms of this Act and the standard instructions of DPME;
- 9.1.7. Ensure that all staff working on this project are adequately trained prior to the commencement of the project.
- 9.1.8. Ensure that DPME is informed of any changes in staff related to the execution of the project. For security reasons, DPME reserves the right to vet all persons working on this project.
- 9.1.9. Store and hand over all data generated by the project (if any) to DPME in an accessible and confidential manner.
- 9.1.10. Not proceed with any work and not to incur any expense for which DPME could be liable, until such time as an official written government purchase order has been issued by DPME.

9.2. DPME undertakes to:

- 9.2.1. Manage all contracts in a professional manner.
- 9.2.2. Provide appropriate information as and when required and only in situations where it is required by the service provider to fulfil their duties.
- 9.2.3. Not accept any responsibility for any damages suffered by the service provider or their staff for the duration of the project.
- 9.2.4. Not tolerate any unfair labour practices between the service provider and their staff that happen during the execution of the project activities.
- 9.2.5. Not accept any responsibility for accounts/expenses incurred by the service provider that was not agreed upon by the contracting parties.
- 9.2.6. Pay all valid invoices within 30 calendar days.

## INVITATION TO BID (SBD 1)

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE  
DEPARTMENT OF PLANNING, MONITORING AND EVALUATION**  
(Subject to the terms and conditions applicable to all bids as indicated earlier in this bid document)

<b>BID NUMBER</b>	DPME18/2019-20	<b>CLOSING DATE</b>	24 January 2020	<b>CLOSING TIME</b>	12:00
<b>COMPULSORY BRIEFING SESSION</b>	Date		12 December 2019	Time	10:00
<b>DESCRIPTION</b>	Employee Health & Wellness Services for DPME FOR A PERIOD OF 36 MONTHS				
<b>BID DOCUMENTS FOR RFQs:</b>		<b>BID DOCUMENTS FOR RFPs AND TENDERS MUST BE:</b>			
<b>MUST BE SENT ELECTRONICALLY TO:</b> The email address of the SCM official that sent out the request for quotes and CC to DPME.SCM@dpme.gov.za.		<b>POSTED TO:</b> Department of Planning, Monitoring and Evaluation Head: Procurement Services Private Bag X944, PRETORIA, 0001		<b>OR DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS):</b> 330 Grosvenor Street, Hatfield, Pretoria <i>The bid box is accessible on working days between 8:00 and 17:00.</i>	
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>					
Contact persons indicated on the bid documents or Head of Procurement Services: 330 Grosvenor Street, Hatfield, Pretoria. dpme.scm@dpme.gov.za. Tel 012 473 1222					
<b>SUPPLIER INFORMATION</b>					
<b>Name of bidder</b>					
<b>Postal address</b>					
<b>Street address</b>					
<b>Telephone number</b>			<b>Cell phone number</b>		
<b>E-mail address</b>					
<b>ID / company Reg. #</b>			<b>Vat registration #</b>		
<b>Supplier tax compliance status</b>	<b>Compliant</b>		<b>CSD MAAA #</b>		
	<b>Not compliant</b>		<b>TCS Pin (if no CSD #)</b>		
<b>B-BBEE Status Level verification</b>	None				
	All (except EMEs/QSEs): Certificate Issued by SANAS accredited verification agency.				
	EMEs/QSEs: Sworn affidavit by EME representative and attested to by Commissioner of oaths.				

<b>Are you the accredited representative in South Africa for the goods /services /works offered? If yes attach proof</b>	YES	NO
<b>FOREIGN SUPPLIERS: Do not complete this form. You must contact the Department to obtain the required documentation to be completed</b>		

<b>Total bid price (Incl. VAT)</b>	
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<b>DETAILED TERMS AND CONDITIONS FOR BIDDING ARE CONTAINED IN PAGES 2 TO 4 OF THIS DOCUMENT AS WELL AS IN THE ATTACHED SPECIFICATIONS / TERMS OF REFERENCE.</b>			
<b>Signature</b> (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)		<b>Date</b>	
<b>Name of Signatory</b>			
<b>Designation of Signatory</b>			
<b>Name of bidder (if different)</b>			

**DECLARATION OF INTEREST (SBD 4)**

**NO BIDS WILL BE CONSIDERED FROM:**

1. Persons in the service of the State
2. Companies/ close corporations with directors/ members who are persons in the service of the State.
3. NGO's / Non-profit institutions with directors (whether remunerated or not) in the service of the State

Where exceptions are allowed in terms of the applicable legislation, the bidder must attach an approved and valid Remunerative Work Outside of the Public Service (RWOPS).

Any other natural or legal person legal person may make an offer or offers in terms of an invitation to bid. , or persons having a kinship with persons employed by the state, including a blood relationship. 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.

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

<b>Full Name of bidder or his or her representative</b>	
<b>Identity Number</b>	
<b>Position occupied in Company (director, trustee, shareholder<sup>1</sup>, member):</b>	

**The names of all directors / trustees / shareholders / members, their individual identity numbers, and if applicable, employee / PERSAL numbers must be indicated in the CSD report provided.**

		YES	NO
<b>1.1</b>	<b>Are you or any person connected with the bidder presently employed by the state?</b>		
1.1.1	The bidder acknowledges that bids from Government employees or from companies/close corporations with directors/members that are government employees cannot be considered.		
1.1.2	The bidder further acknowledges that any false declaration in this regard will be reported to the relevant authorities		
1.1.3	If your answers to 1.1 is yes, then please provide details:		

		YES	NO
<b>1.2</b>	<b>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?</b>		
1.2.1	If so, furnish particulars:		

<sup>1</sup> "Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

**DECLARATION OF INTEREST (SBD 4)**

		YES	NO
<b>1.3</b>	<b>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?</b>		
1.3.1	If so, furnish particulars:		

		YES	NO
<b>1.4</b>	<b>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?</b>		
1.4.1	If so, furnish particulars:		

		YES	NO
<b>1.5</b>	<b>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??</b>		
1.5.1	If so, furnish particulars:		

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

See CSD report

**3. DECLARATION**

I, THE UNDERSIGNED CERTIFY THAT THE INFORMATION FURNISHED ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

Signature		Date	
Name of Signatory			
Designation of Signatory			
Name of bidder (if different)			

## PREFERENCE POINTS CLAIM (SBD 6.1)

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

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

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

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#### **1. GENERAL CONDITIONS**

- 1.1 The following preference point systems are applicable to all bids:
- the 80/20 system for requirements with a Rand value of up to R50,000,000 (all applicable taxes included); and
  - the 90/10 system for requirements with a Rand value above R50,000,000 (all applicable taxes included).

- 1.2 The value of this bid is estimated to ~~exceed~~/not exceed R50,000,000 (all applicable taxes included) and therefore the 80/20 system shall be applicable. Preference points for this bid shall be awarded for:

(a) Price; and	<u>80</u>
(b) B-BBEE Status Level of Contribution.	<u>20</u>
<b>TOTAL</b>	<b><u>100</u></b>

- 1.3 Failure on the part of a bidder to submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS), or a sworn affidavit confirming annual turnover and level of black ownership in case of an EME together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

- 1.4 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 "B-BBEE" means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.2 "B-BBEE status level of contributor" means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.3 "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;
- 2.4 "Broad-Based Black Economic Empowerment Act" means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.5 "EME" means an Exempted Micro Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act with an annual turnover up to R10 million;
- 2.6 "functionality" means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents;
- 2.7 "proof of B-BBEE status level of contributor" means:
- 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;

**PREFERENCE POINTS CLAIM (SBD 6.1)**

- 2.8 “prices” includes all applicable taxes less all unconditional discounts;
- 2.9 “QSE” means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act);
- 2.10 “rand value” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

**3. POINTS AWARDED FOR PRICE: THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

$$\begin{array}{l}
 \mathbf{80/20 \text{ (Up to R50,000,000)}} \quad \text{Or} \quad \mathbf{90/10 \text{ (From R50,000,000)}} \\
 P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{Or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)
 \end{array}$$

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

**4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION**

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

<b>B-BBEE Status Level of Contributor</b>	<b>Number of points (90/10 system)</b>	<b>Number of points (80/20 system)</b>
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 4.2 A bidder who qualifies as a EME in terms of the B-BBEE Act must submit a sworn affidavit confirming Annual Total Revenue and Level of Black Ownership. An EME automatically qualifies as a level 4 contributor. An EME with at least 75% black ownership qualifies as level 1 contributor and an EME with black ownership from 51% to 74% qualifies as a level 2 contributor.
- 4.3 A Bidder other than EME must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating. The certificate must be issued by a Verification Agency accredited by SANAS.

**5. BID DECLARATION**

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

**6. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.2 AND 4.1**

B-BBEE Status Level of Contribution: ..... = ..... (maximum of ~~10~~ 20 points)

(Points claimed in respect of paragraph 6 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**PREFERENCE POINTS CLAIM (SBD 6.1)**

**7. SUB-CONTRACTING**

Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable). If yes, indicate:

- (I) (what percentage of the contract will be subcontracted? .....%)
- (II) the name of the sub-contractor? .....
- (III) the B-BBEE status level of the sub-contractor? .....
- (IV) whether the sub-contractor is an EME or QSE? YES / NO (delete which is not applicable)
- (V) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

<b>Designated Group: An EME or QSE which is at last 51% owned by:</b>	<b>EME</b>	<b>QSE</b>
	<b>✓</b>	<b>✓</b>
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
<b>OR</b>		
Any EME		
Any QSE		

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

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-BBEE status level of contributor indicated in paragraph 6 of the foregoing document, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (I) The information furnished (including information in SBD 1) 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 6, 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

Signature		Date	
Name of Signatory			
Designation of Signatory			
Name of bidder (if different)			

**DECLARATION OF PAST SUPPLY CHAIN MANAGEMENT PRACTICES (SBD 8)**

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury’s database as companies or persons prohibited from doing business with the public sector? <b>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied)</b>	Yes	No
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? <b>(To access this Register enter the National Treasury’s website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon “Register for Tender Defaulters” or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.</b>	Yes	No
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes	No
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	No
4.4.1	If so, furnish particulars:		

**CERTIFICATION**

I, THE UNDERSIGNED 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	
Name of Signatory			
Designation of Signatory			
Name of bidder (if different)			

**CERTIFICATE OF INDEPENDENT BID DETERMINATION (SBD 9)**

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

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

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

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I, the undersigned, in submitting the accompanying bid:

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(Bid Number and Description)

in response to the invitation for the bid made by The Department of Planning, Monitoring and Evaluation (Name of Institution)

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

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

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorised by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorised by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word “competitor” shall include any individual or 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;

**CERTIFICATE OF INDEPENDENT BID DETERMINATION (SBD 9)**

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

Signature		Date	
Name of Signatory			
Designation of Signatory			
Name of bidder (if different)			

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