



SCM /Tender Ref #:	DPME 09-2017/18
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Request for proposals for:	National Anti-Corruption Strategy Drafting Team		
Closing date and time:	29 September 2017 12:00 at 330 Grosvenor Street, Hatfield Pretoria with provision of one electronic copy and Six hard copies of the proposal.		
Compulsory briefing session:	Date: 15 September 2017	Time: 10:00am	
	Place: 330 Grosvenor Street, Hatfield, Pretoria		

Planned Presentation of proposal date:	Planned date of award of bid:	Expected project start date:	Expected project end date:
05 October 2017	09 October 2017	16 October 2017	16 April 2018

1. BID INFORMATION

Information on the format and delivery of bids is contained in the attached bid documents. Please take note of the closing date and date of compulsory briefing session. Bidders who meet the requirements will be requested to present their proposals.

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 should be attached to the proposal as annexures

- **Annexure A:** Summary of past experience (Use attached template)
- **Annexure B:** Summary details of proposed team (Use attached template)
- **Annexure C:** Pricing information. Price proposals should include VAT and should be fully inclusive to deliver the outputs indicated in the terms of reference and must be submitted in a separate envelope.
- **Annexure D:** The published terms of reference (this document).
- **Annexure E:** 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.

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1. BACKGROUND

The Government's commitment to reduce corruption in South Africa is articulated in the Medium Term Strategic Framework (MTSF) 2014–2019, the National Development Plan (NDP), and the National Security Strategy (NSS). The MTSF 2014-2019 requires the development of a National Anti-Corruption Strategy (NACS) and a supporting implementation plan. A Steering Committee was set up to oversee this process, consisting of officials from DCoG, DPSA, DPME, GCIS, PSC, NICOC, SIU, SALGA and SSA. In addition, the overall work towards the development of a resilient anti-corruption system, as envisioned by the NDP, is being carried out under the guidance of the Anti-Corruption Inter-Ministerial Committee (ACIMC).

A range of challenges that impedes on the reducing of corruption in the country can be identified. Many of which relate to uneven or even weak implementation of relevant policies and legislation, rather than the absence of appropriate laws. In fact, South Africa is known to have a strong legislative framework for fighting corruption. South Africa also has some very strong investigative skills in senior policy ranks; a range of oversight bodies committed to promoting integrity in public and private sectors; a generally clear set of rules and values for guiding the conduct of government employees and members of the executive; organised business and civil society organisations that have previously shown commitments to collaborating on anti-corruption efforts; as well as a free media and active civil society that can support efforts to build accountability.

The National Anti-Corruption Strategy should thus aim to support improved coordination between the role-players in the fight against corruption, and to tackle the systemic causes of corruption in the country. The strategy will be at the centre of the fight against both public as well as private sector corruption, and should constructively assist in the prevention of corruption through building the autonomy and efficiency of state institutions in South Africa, as well as building the independence of relevant crime-fighting bodies.

2. PROCESS IN THE DEVELOPMENT OF A NATIONAL ANTI-CORRUPTION STRATEGY

Within this context it is necessary and required, that a National Anti-Corruption strategy be developed, together with a supporting Implementation Plan and relevant Monitoring and Evaluation Plan. A national strategy should serve as a guide for developing a set of shared commitments across sectors, to support collaboration within and between sectors, and to direct renewed energy towards the goal of reducing corruption and building an ethical society. The following principles guide the overall process in the development of the NACS:

- Achieve a “whole of government and society” approach in the fight against corruption.
- Be open, transparent and inclusive of all sectors of South African society.
- Arrive at a robust National Anti-Corruption Strategy that has buy-in from Government, business and civil society.
- Foster ownership of the process and the resulting National Anti-Corruption Strategy by all sectors.

As part of the initial steps at developing the NACS, a Diagnostic Report was developed with the purpose of informing the process further. The Diagnostic Report outlines several findings that are relevant to the development of a National Anti-Corruption Strategy. These include information on the Nature, prevalence and impact of corruption in South Africa; the Legislative framework and its enforcement; Anti-corruption architecture and system; as well as a Sector and thematic review.

The development of the National Anti-Corruption Strategy will be rolled out in three phases namely:

Phase 1: Research, Initial consultation and Development of draft structure

Phase 2: Public Consultations

Phase 3: Integration of inputs and finalisation of the National Anti-Corruption Strategy

After Phase 1 has been completed, Phase 2 will involve a range of engagements and consultations, which will include Sectoral Consultation Workshops during which a range of inputs will be gathered. All inputs will be consolidated into the development of a first draft National Anti-Corruption Strategy. The finalisation of the National Anti-Corruption Strategy will also include the drafting of an Implementation Plan, as well as a Monitoring and Evaluation Plan. Ultimately the National Anti-Corruption Strategy will be tabled for approval by the Anti-Corruption Inter-Ministerial Committee as well as Cabinet, after which it will be launched and distributed.

3. PURPOSE OF THE ASSIGNMENT

The purpose of this assignment is for a team with suitable qualifications and experience to draft the initial National Anti-Corruption Strategy (NACS) by synthesising knowledge and available research. This will include documenting, consolidating and integrating inputs from the sectoral workshops/engagements, the consultation phase (consultations are planned for each province) and electronic inputs in the development process of National Anti-Corruption Strategy, with a corresponding Implementation Plan and monitoring framework, as outlined in the scope of service.

The drafting team is therefore required to take into account all proposals, documentation and evidence generated to develop a zero-draft NACS. The Steering Committee will then engage with the zero-draft for input and edits before finalization by the service provider. Finally, it will be presented to the IMC after which final edits will be made for tabling at Cabinet.

4. SCOPE OF THE PROJECT

The National Anti-Corruption Strategy is intended to serve as a guide for Government, the Business Sector, as well as Civil Society organisations, in order to assist with the coordination and support of their efforts of reducing and eliminating corruption. Therefore, the Strategy seeks to provide a set of pillars and programmes around which different sectors, organisations and other forums within these sectors can direct and attempt to align their work. It also aims at providing a tool for citizens and others with which they can monitor South Africa's progress towards achieving a significant reduction in corruption in the country.

The scope of the specific assignment is the drafting the NACS, integration all inputs and editing towards finalization.

5. APPROACH

Participatory methodology will be used in the drafting of the NACS, with effective data capturing, organization of information, analysis, interpretation and synthesis of a range of inputs.

The following steps are recommended:

5.1. Emersion in the existing knowledge base

It is suggested that the National Anti-Corruption Strategy Drafting Team completely familiarise themselves with the context and background of the project in order to start contextualising all information received prior and during the public consultation phase, for purposes of developing the National Anti-Corruption Strategy.

5.2. Rapporteur per provincial consultation workshop

The Drafting Team will attend consultative workshops in all nine provinces in order to take notes and recordings of feedback given. Thereafter, all notes should be organised and audio recordings transcribed of the different feedback provided during the consultative workshops and inputs received through electronic means in a format that is also accessible to the Steering Committee and Reference Group. Preliminary reports will be written per workshop.

5.3. Finalize structure for approval by the SC and drafting of NACS

Following the scrutinising and organisation of the feedback given during consultative workshops, the structure of the strategy and table of contents will be finalized. Hereafter, all information should be organised and consolidated under relevant headings, aimed at the compilation of a Draft National Anti-Corruption Strategy, taking inputs received into consideration.

5.4. Proof reading and editing to develop Zero draft

After the document undergoes thorough proofreading and editing, a Zero Draft should be delivered and distributed for inputs by the Steering Committee and the Inter-Ministerial Committee for comments before presentation to Cabinet.

5.5. Integration of inputs, final edits and presentation

After feedback on the first draft has been gathered (including from a possible feedback session), another round of editing can be conducted. This will result in a Second Draft which should be submitted to the Steering Committee for final approval and inputs. Final editing of the document should then follow, resulting in a finalised National Anti-Corruption Strategy.

5.6. Implementation, Monitoring and Evaluation Plan

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From the finalised strategy, a comprehensive and realistic Implementation Plan should be developed and presented to the Steering Committee and the Reference Group. Based on the Implementation Plan, a Monitoring and Evaluation Plan is to be developed.

5.7. Drafters' participation

Participate in the meetings of the Steering Committee and provide on-going progress report on the project.

6. DELIVERABLES AND TIME FRAMES

The final deliverables for this assignment are final draft versions of:

1. A National Anti-Corruption Strategy;
2. An Implementation Plan;
3. A Monitoring Framework

Final delivery comprises of three full-colour sets of documents with final lay-out, edited and print-ready, either as electronic copies by e-mail, or on a CD/Memory Stick or both. The following table provides an overview of the key project activities, different deliverables and time frames attached to the assignment: NB Timelines are only indicative and subject to change depending on the date of the signing of the Contract.

	Deliverable/Output	Description of Tasks/Activities	Timelines	% of project (Payment)
1	Inception Report with project plan	Based on the inception meeting with the project Steering Committee, a report detailing the project approach, project activities, timeframes and roles and responsibilities will be developed. An indication of how the project will be implemented with key milestones and prioritisation of activities. This inception report will monitor the implementation of the project.	1 to 2 weeks after Inception meeting.	10
2	Submission of Project outline	Approval of project outline by the Steering Committee	1 month after the inception meeting	
3	Consultation workshops	The Drafting team will participate in one public consultation per province and nine additional sectoral consultations (three in Cape Town, three in JHB and three in PTA) and will record and document the inputs received.	As per the schedule developed under 1 above	
4	Strategy Outline	Drafting of outline and structure of the Strategy, the Implementation Plan and the Monitoring Framework.	3 months after the Signing of the contract	
5	Drafting	Following the end of all the workshops and sector engagements, the drafting team will commence with the actual drafting of the Strategy, the Implementation Plan and the monitoring framework	5 months after the signing of the contract	40
6	Presentation of the first draft	The first draft of the documents will be presented to the Steering Committee, and thereafter to the Reference Group; and other sectoral groupings, if necessary;	6 months after the signing of the contract	30

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		The drafting team will participate in these events and document additional input.		
7	Revision and finalisation	Based on inputs and outcomes of the deliberations from all provincial and sectoral consultations, as well as electronic inputs, the drafting team will revise the draft Strategy and Implementation Plan, and prepare it for the final presentation to the Steering Committee and the Reference Group, and incorporate all the inputs for final endorsement and approval.	Two weeks after submission of the first draft	
8	Final version of Strategy	Final draft Strategy is submitted in a ready-print format to the ACTT/ACIMC, together with Implementation Plan and Monitoring Framework, as well as a PowerPoint presentation on the key deliverables.	Two weeks after the revision of the draft	20

7. EXPERIENCE / SKILLS / TEAM COMPOSITION REQUIRED

The service provider is required to provide a company profile on its size, staff complement, infrastructure, location. The attached templates must be used to summarise qualifications, skills and past experience.

7.1. Experience required

- The Bidders' Team Leader must have proven experience in the development of strategies, programmes and implementation plans within the public and/or development sector and a minimum of 5 years' verifiable experience in policy analysis; policy drafting, and strategic research and analysis, including experience in the preparation of implementation plans and the development of monitoring frameworks. The Team Leader must have experience in the management of projects.
- At least one team member must have a minimum of three years proven experience in the development of strategies and experience in policy analysis; policy drafting, and strategic research and analysis, including preparation of implementation plans; and developing monitoring frameworks. Project management experience is also required.
- The remaining team members must have minimum of one years' experience in policy analysis; policy drafting, and/or strategic research and analysis.
- The drafting team should be able to be discrete and impartial in their performance of their functions.

The attached template must be used to summarise experience. The proposal should contain letters of reference, CVs of proposed team members or other means of verifying past experience.

7.2. Competencies / Skills required

The National Anti-Corruption Strategy Drafting Team requires the following skills:

- Strong research and analytical skills.
- High proficiency in the written English language.
- Strong note taking and comprehensive listening skills.
- Skills in transcribing audio recordings and synthesising information gathered from various Consultative Workshops into one coherent, comprehensive and strong strategy.
- Knowledge of the South African – and where necessary International – Policy and Legislative Framework, NDP requirements, current anti-corruption environment and system.
- Project Management skills

7.3. Minimum qualifications required

The Team Leader is required to have a minimum qualification of a Master’s Degree in Social Sciences, or any related area. The Team Leader must be supported by at least one team member with a minimum of an Honours Degree in Social Sciences or any related area. Either the Team Leader or the supporting member must have a verifiable project management qualification. The remaining team members are required to have a minimum of a bachelors degree in Social Sciences or related to the areas of crime, governance or administration. Copies of qualifications must be included in the proposal. The DPME reserves the right to verify all qualifications through the South African Qualifications Authority.

7.4. Team composition

A team must consist of minimum of four members and at least 30% of the team must be Previously Disadvantaged Individuals (PDIs). The team contained in the proposal must be available for the duration of the project, if not, the replacement of team members may only be done in consultation with DPME and replacement team members must have at least the same qualifications / skills / experience as those they are replacing.

7.5 Project management

Effective management of time, information, and finances is needed to complete the assignment. The designated Project Manager will work with DPME team.

8. COSTING METHODOLOGY

The drafting team is required for indicative eight hours a day, over forty-five days (or 360 hours) during the six months’ project. The drafting team must provide a cost outline of the number of person hours/days per team member, with the rate per hour or day. Allocation of the team and specific number of hours or days must be applied to the approach and method recommended in meeting the deliverables. Additional steps in the approach can be included, where the bidder feels strongly that it is critical and will add value to the process. Each item must be costed separately.

Prices must be inclusive of Value Added Tax (VAT) and must address all deliverables indicated in this ToR.

9. EVALUATION OF BIDS

9.1. Administrative requirements

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. **Shortlisted candidates will be required to present their proposal to the evaluation committee as part of the selection process.**

9.2. Functional evaluation Part 1: (Mandatory Requirements)

Criteria	Yes	No
1 Par 7.3: The Team Leader is required to have a minimum of a Master’s Degree in Social Sciences or any related area.		
2 Par 7.3: One of the team members (excl. the team leader) must have a minimum of an Honours Degree in social sciences or any related area.		
3 Par 7.3: At least one team member must have a verifiable project management qualification		
4 Par 7.3: Remaining team members must have a minimum of a bachelors degree in social science related to the area.		

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Criteria		Yes	No
5	Par 7.1: The Team Leader must have a minimum of 5 years proven experience in the development of strategies, programmes and implementation plans and the development of monitoring frameworks within the public and/or development sector. The Team Leader must have project management experience.		
6	Par 7.1: At least one member of the team (in addition to team leader) must have a minimum of 3 years proven experience in policy analysis; policy drafting, and strategic research and analysis including preparation of implementation plans; and developing monitoring frameworks. Experience in project management is required.		
7	Par 7.1: The remaining team members must have a minimum of one year proven experience in policy analysis; policy drafting, and strategic research and analysis.		

Only bids that meet all administrative requirements and all the mandatory requirements indicated above will be evaluated using the functional evaluation criteria indicated below (functional evaluation part 2).

9.3. Functional evaluation Part 2

Weight allocation	Scoring system
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

Functional Evaluation Criteria	Weight	Score	Weight X Score	Min. Score
Rapporteur, language, writing, proof reading and copy editing skills of the team (as per 7.2 of ToR) 1= The proposed team does not meet the skills requirement. 2= The proposed team meets some of the skills requirements 3= The proposed team meets all of the skills requirements. 4= The proposed team exceeds the skills requirements	3			9
Team composition (par 7.4 of ToR): At least 30% of team are Previously Disadvantaged Individuals (PDIs)¹ and they must play a meaningful role in the project: 1= Team consists of less than 30% PDIs <u>and</u> less than 30% of person-days allocated to PDIs. 2= Team consists of less than 30% PDIs <u>or</u> less than 30% of person-days allocated to PDIs. 3= Team consists of at least 30% PDIs and at least 30% of person-days allocated to PDIs. 4= Team consists of at least 30% PDIs, at least 30% of person-days allocated to PDIs, and one of the specialists / team leaders is PDI.	3			9
Deliverable time frames as per 6. of ToR: 1= Time frames proposed do not meet the requirements 2= Time frames proposed meet some of the requirements. Delays unlikely to have a significant impact on the outcome 3= Time frames proposed meet most of the requirements 4= Time frames proposed meet all of the requirements	3			9

¹ By PDIs we mean Blacks, Indians, and Coloureds. For example, if a team consists of 10 members, 3 of them should be PDIs.

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Functional Evaluation Criteria		Weight	Score	Weight X Score	Min. Score
11	<p>Extent to which the costing methodology is realistic given the scope and time frames of the project:</p> <p>1= Costing of the project is not aligned to the scope and time frames of the project</p> <p>2= Costing of the project not entirely aligned to scope and time frames and may negatively impact delivery</p> <p>3= The costing methodology is realistic given the scope and time frames of the project</p> <p>4= The costing methodology is realistic given the scope and time frames of the project an in addition, provides innovative solutions to reduce costs associated with the project</p>	3			9
TOTAL					

Minimum functional requirements: Bids and that scored at least the minimum for each element as well as the overall minimum score (75%), based on the average of scores awarded by the Bid Evaluation Committee members.

9.4. PRICE / BBBEE / PPPFA

Only bids that meet the minimum administrative and functional requirements / specifications indicated in the ToR will be evaluated in terms of the Preferential Procurement Framework Act and related regulations – see attached bid documents.

10. GENERAL

10.1. The Service Provider undertakes to:

- 10.1.1. Conduct business in a courteous and professional manner.
- 10.1.2. Provide the necessary documentation as requested prior to the awarding of the contract.
- 10.1.3. 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.
- 10.1.4. Manage internal disputes among his/her staff in such a way that DPME is not affected by those disputes.
- 10.1.5. Comply with the DPME security and emergency policies, procedures and regulations at DPME premises.
- 10.1.6. 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;
- 10.1.7. Ensure that all staff working on this project are adequately trained prior to the commencement of the project.
- 10.1.8. 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.
- 10.1.9. Undertakes to store and handover all data generated by the project to DPME in an accessible and confidential manner.

10.2. DPME undertakes to:

- 10.2.1. Manage the contract in a professional manner.
- 10.2.2. Provide appropriate information as and when required and only in situations where it is required by the service provider to fulfil their duties.
- 10.2.3. Not accept any responsibility for any damages suffered by the service provider or their staff for the duration of the project.
- 10.2.4. Not tolerate any unfair labour practices between the service provider and their staff that happen during the execution of the project activities.
- 10.2.5. Not accept any responsibility for accounts/expenses incurred by the service provider that was not agreed upon by the contracting parties.

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ANNEXURE C1: COSTING OF GOODS (Leave blank if not required)				
Description	# of units	Unit cost (VAT incl.)	Total cost (VAT Incl.)	Lead time (Days)
TOTAL C1				

ANNEXURE C2: COSTING OF SERVICES (Deliverable dates based on expected project start date indicated on page 1 of the ToR)			
Description of deliverable	No of person days	Rate per day	Cost (VAT incl.)
TOTAL C2			

TOTAL BID PRICE (C1 + C2) incl. VAT	R
1. This is the total price required to produce and deliver all goods / services included in the ToR.	
2. Please ensure that this price matches the price indicated on SBD 1.	
3. This price will be used for PPPFA comparison purposes.	

ANNEXURE C3: OTHER POSSIBLE EXPENSES FOR GOODS / SERVICES NOT INCLUDED IN ToR (Time and Material costs not included in total bid price)	
Description of other disbursements (over and above what is required to fully execute deliverables in ToR)	Cost (VAT incl.)



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

Document	Check Bidder	Verified SCM Unit
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.		
Central Suppliers Database Registration Report Attached – Not older than 30 days NB: Only suppliers registered on CSD may bid.		
Additional documentation required for certain types of bids. If applicable the additional documents will be distributed as part of the tender / bid documentation	Check Bidder	Verified SCM Unit
Declaration certificate for local production and content for designated sectors (SBD 6.2)		

Declaration			
<ul style="list-style-type: none"> 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) I have read the DPME standard Service Level Agreement (SLA) and have included in my (our) proposal and material changes that may be required to the SLA. I have completed and submitted all the documents indicated in the above checklist I have read and agree with the terms and conditions applicable to all bids as stipulated in this document I have noted and will comply with the delivery time frames indicated in the specifications / terms of Reference I am the authorised signatory of the applicant For the purposes of section 256 of the Tax Administration Act of 2011 I authorise 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. 			
Signature		Date	
Name of Signatory			
Designation of Signatory			
Name of bidder (if different)			

TERMS AND CONDITIONS APPLICABLE TO ALL BIDS

ALL DPME BID DOCUMENTS ARE AVAILABLE FREE OF CHARGE FROM THE DPME WEBSITE OR DPME OFFICES AND MAY THEREFORE NOT BE SOLD

1. GENERAL

This request is issued in terms of the Public Finance Management Act (Act 1 of 1999) as amended (PFMA), Treasury Regulations, the Preferential Procurement Policy Framework Act 5 of 2000 (PPPFA), 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) as well as applicable Departmental Policies.

- 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 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 view the taxpayer's profile and tax status.
- 2.3. Application for the tax compliance status (TCS) certificate or pin may also be made via e-filing. In order to use this provision, taxpayers will need to register with SARS as e-filers through the website www.sars.gov.za.
- 2.4. The tax compliance requirements are not applicable to foreign bidders / individuals with no South African tax obligation, no history of doing business in South Africa. Foreign suppliers must complete a pre-award questionnaire from SARS on their tax obligation categorisation.
- 2.5. Bidders may also submit an original printed TCS certificate together with the bid.
- 2.6. In bids where consortia / joint ventures / sub-contractors are involved, each party must submit a separate TCS certificate / pin / CSD number.
- 2.7. Where no TCS is available but the bidder is registered on the central supplier database (CSD), a CSD number must be provided.

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)

All quoted prices should be valid (firm) for at least 120 days from the closing date indicated on SBD 1 and must be **inclusive of VAT**. 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.

4. FUNCTIONAL EVALUATION

Functional criteria and/or specifications are contained in the specifications sheet or Terms of Reference. Unless otherwise indicated in the ToR, only service providers that submitted acceptable bids and that scored at least the minimum for each functional criteria as well as the overall minimum score (75%) will proceed to the PPPFA evaluation phase.

TERMS AND CONDITIONS APPLICABLE TO ALL BIDS

5. PRICE EVALUATION: THE PPPFA

Only bids that meet the minimum functional requirements / specifications indicated in the ToR will be evaluated in terms of the Preferential Procurement Framework Act 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 evaluation, comparisons or award decisions in any manner, may result in rejection of the quote / proposal concerned. DPME shall reject a quote / proposal if the bidder has committed a proven corrupt or fraudulent act in competing for a particular contract. DPME may disregard any quote / proposal 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.
- 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 contract track records
- Government employment status (individuals)
- Company / closed corporation ownership / membership status (individuals)
- Suitability to handle confidential government information
- Qualifications of bidders / contractors / team members
- Any other information contained in bid documents

8. REGISTRATION ON DPME SUPPLIERS DATABASE

If not already registered, the successful bidder will be registered on the DPME suppliers database. The following terms and conditions apply:

8.1. All suppliers must be registered on the central suppliers database managed by National Treasury (www.csd.gov.za) before they can register on the DPME suppliers database.

8.2. All information will be treated confidentially.

8.3. Applications that are incomplete or that are not accompanied by the required documents will be disqualified. The included checklist should be completed to ensure completeness of the application.

8.4. Completed application forms should be posted to or hand delivered at the above mentioned addresses. No e-mail or fax copies can be accepted

8.5. The Department of Planning, Monitoring and Evaluation's (DPME) Service Provider Database will be used mainly for the purposes of identifying entities (individuals or juristic persons) when price quotations for

TERMS AND CONDITIONS APPLICABLE TO ALL BIDS

goods and services are to be invited. Requests for quotations / proposals are normally sent by e-mail to the address provided on the supplier registration form. The fact that an entity is registered as a supplier does not constitute any contractual relationship between the entity and the Department of Planning, Monitoring and Evaluation.

- 8.6. Suppliers may list a maximum of 5 categories of goods and services offered (Section 4). Where a supplier lists more than 5 categories, the DPME may at its own discretion reject the application or select the 5 most applicable categories.
- 8.7. For procurement above the financial limit applicable to price quotations, as determined from time to time by National Treasury, the DPME will normally invite competitive bids by means of advertisements in the Government Tender Bulletin. The onus is on entities to monitor the tender bulletin and to ensure that they obtain copies of the bidding documents that are available on the DPME when bids are advertised.
- 8.8. The Department reserves the right to approach potential service providers not on the database in cases where an insufficient number of suppliers are registered for a particular commodity or service or an insufficient number of quotations are received in response to a particular request for quotations or proposals.
- 8.9. It is the responsibility of a registered entity to inform the DPME immediately in writing of any changes in the particulars as stated in the application, especially changes in respect of contact details, ownership, B-BBEE and the SMME or EME status of the entity. Should a contract be awarded to an entity based on incorrect particulars provided by that entity, the 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.
- 8.10. The DPME reserves the right to cancel the registration of an entity if that entity has given incorrect or false information in the application form or any correspondence relating to the application or:
 - Failed to inform the Department of any changes to the particulars as furnished in the application;
 - Failed to comply with the conditions of any contract that might have been awarded to the entity;
 - The entity has been included on the list of restricted suppliers maintained by National Treasury; or
 - The entity has acted in an improper, fraudulent or corrupt manner.
- 8.11. The DPME reserves the right to cancel the registration of an entity if that entity fails to respond to three or more consecutive requests for quotations / proposals.
- 8.12. The following documentation must accompany this application:
 - All documents included in this application form.
 - Original or certified copy of a valid B-BBEE Status level certificate (must bear SANAS logo), or sworn affidavit in cases of EMEs.
 - Printout from Central Suppliers Database (www.csd.gov.za) with supplier unique registration reference.
- 8.13. 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.

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)

BID NUMBER	DPME 09-2017/18	CLOSING DATE	29 September 2017	CLOSING TIME	12:00
COMPULSORY BRIEFING SESSION	Date		15 September 2017	Time	10:00
DESCRIPTION	National Anti-Corruption Strategy Development Process				
BID DOCUMENTS MAY BE POSTED TO: Department of Planning, Monitoring and Evaluation Head: Procurement Services Private Bag X944, PRETORIA, 0001			OR DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS): 330 Grosvenor Street, Hatfield, Pretoria <i>The bid box is accessible on working days between 8:00 and 17:00.</i>		
SUPPLIER INFORMATION					
Name of bidder					
Postal address					
Street address					
Telephone number			Cell phone number		
E-mail address					
Company Reg. #			Vat registration #		
Tax compliance status	Compliant	<input type="checkbox"/>	CSD #		
	Not compliant	<input type="checkbox"/>	TCS Pin (if no CSD #)		
B-BBEE Status Level verification	None				
	All except EMEs: Certificate Issued by verification agency accredited by the SANAS				
	EMEs: Sworn affidavit by EME representative and attested to by Commissioner of oaths or an Accounting Officer as contemplated in the Close Corporation Act (CCA)				
	EMEs: Sworn affidavit by EME representative and attested to by Commissioner of oaths				

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

Total bid price (Incl. VAT)		Total # of items offered	
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Signature (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)	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. Tel 012 312 0000

DECLARATION OF INTEREST (SBD 4)

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 an 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.

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

1.1 Full Name of bidder or his or her representative:

1.2 Identity Number:

1.3 Position occupied in Company (director, trustee, shareholder², member):

1.3.1 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 2 below.

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

1.4.1 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:

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

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

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

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

¹ State" means –

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

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

DECLARATION OF INTEREST (SBD 4)

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

1.5.1 If so, furnish particulars:

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

1.6.1 If so, furnish particulars:

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

1.7.1 If so, furnish particulars:

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

1.8.1 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.

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>
TOTAL	<u>100</u>

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

- 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 1.3 AND 5.1

B-BBEE Status Level of Contribution: = (maximum of 10 or 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:

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

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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 certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

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

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

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

I, the undersigned, in submitting the accompanying bid:

(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;
 - (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

CERTIFICATE OF INDEPENDENT BID DETERMINATION (SBD 9)

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

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.