



SCM Division
Radio Park, Henley Road
Auckland Park 2092
Johannesburg
Private Bag X1
Auckland Park 2006
Tel. +11 714-2776
Fax + 11 714-2226
URL <http://www.sabc.co.za>
E-mail ntozinilp@sabc.co.za

07 July 2021

REQUEST FOR QUOTATION (RFQ)

RFQ	RFQ/LOG/2021/74
RFQ ISSUE DATE	07 JULY 2021
RFQ DESCRIPTION	APPOINTMENT OF A COMPETENT SERVICE PROVIDER FOR THE SERVICING AND MAINTENANCE OF ESCALATORS IN SABC AUCKLAND PARK CAMPUS
CLOSING DATE & TIME	23 JULY 2021 AT 12H00

Submissions must be electronically emailed to RFQSubmissions@sabc.co.za on or before the closing date of this RFQ.

PLEASE NOTE THAT AS FROM 01 JULY 2016 COMPANIES THAT ARE NOT REGISTERED WITH CSD SHALL NOT BE CONSIDERED.

The Tenderer shall have a CIDB Grading of minimum 3SI. The Tenderer shall provide a valid certificate at the time of closing and at the time of award.

For queries, please contact Porcia Ntozini via email: ntozinilp@sabc.co.za

The SABC requests your quotation on the services listed above. Please furnish us with all the information as requested and return your quotation on the date and time stipulated above. Late and incomplete submissions will invalidate the quote submitted.

SUPPLIER NAME: _____

POSTAL ADDRESS: _____

TELEPHONE NO: _____

FAX NO. : _____

E MAIL ADDRESS: _____

CONTACT PERSON: _____

CELL NO: _____

SIGNATURE OF BIDDER: _____

South African Broadcasting Corporation SOC Limited: Registration Number: 2003/023915/30

Non-Executive Directors: Mr B E Makhathini (Chairperson); Ms M Mohlala-Mulaudzi (Deputy Chairperson); Prof S Cooper; Adv M B B Lekalakala; Mr D M Maimela; Mr M G Markovitz; Mr D K Mohuba; Ms J Patel; Mr J H Phalane; Ms M B Papayya; Dr M Socikwa

Executive Directors: Mr M T Mxakwe (Group Chief Executive Officer); Mr I C Plaatjes (Chief Operations Officer); Ms Y van Biljon (Chief Financial Officer); Company Secretary: Ms L V Bayi

NOTES ON QUOTATIONS AND PROPOSALS SUBMISSION

1. All electronic submissions must be submitted in a **PDF** format that is protected from any modifications, deletions or additions.
2. Financial/pricing information must be presented in a **separate** attachment from the Technical / Functional Response information.
3. The onus is on the Bidder to further ensure that all mandatory and required documents are included in the electronic submission.
4. All electronic submissions should be prominently marked with the full details of the tender in the email subject line.
5. Bidders are advised to email electronic submissions at least thirty minutes before the bid closing time to cater for any possible delay in transmission or receipt of the bid. The onus is on bidder to ensure that the bid is submitted on time via email
6. Tender submission emails received after submission date and time will be considered late bid submissions and will not be accepted for consideration by SABC.
7. SABC will not be responsible for any failure or delay in the email transmission or receipt of the email including but not limited to:
 - receipt of incomplete bid
 - file size
 - delay in transmission receipt of the bid
 - failure of the Bidder to properly identify the bid
 - illegibility of the bid; or
 - Security of the bid data.

TECHNICAL SPECIFICATION

1. Background

The SABC is South Africa's national public broadcaster. The company's objectives are to provide a comprehensive range of distinctive programmes and services with the view to inform, educate, entertain, support and develop culture in all 11 official languages. Currently, the company's principal activities comprise of Television and Radio broadcasting utilising 19 radio stations and 5 television channels. All these offerings should be kept running for 24 hours a day in line with the mandate and agreed strategic operations parameters of the organisation.

The SABC Auckland Park Campus have 3 sets of escalators; one set is the Radio Park Building and the other two are at the TV Centre Building. Therefore, there are six escalators altogether in the Campus and planned to get them all under one contract moving forward. Escalators requires Annexure B Certification for compliance with SANS 50081-80 (EN81-80) rules for the improvement and safety of existing passenger and goods lifts. The notification required in terms of the section relates to providing necessary information to responsible assess and managed risks associated with the equipment installed under the past or outdated safety standards or regulations.

Failures and breakdowns of the escalators affect the business operations and results in disruptions and delays of the business of organisation. Furthermore, it causes reputational damaged to the SABC brand. The users of these escalators are also exposed to major safety risk if not maintained in line with the original manufactures specification. It is anticipated that this proper planned maintenance and schedule repairs will improve the operation of the assets and further extend the balance of its economic life span.

It is apparent that a competent service provider should be appointed to undertake planned maintenance, repairs and the replacement of parts as when required. The contractor will also be responsible for ensuring that the required certificate such as Annexure B shall be issued by a competent party and be submitted to the SABC representatives. It is anticipated that this service will add value and prolong the lifespan of the equipment and further protect the SABC from any mishap as detailed in the background.

The appointed service provider would start with maintenance on the radio park escalators and it would later absorb TV building escalators once the contract is expired with current service provider.

2. Scope of services

The required Services:

- Monthly Maintenance Service
- Provide required certification of operation in line with provided regulations (Annexure B)
- Emergency Call out Service as when required
- Provide quotation for approval for genuine parts (OEM parts) not covered in monthly maintenance service cost
- Produce Service Reports
- Provide diagnosis reports during failures of equipment.

Equipment

Escalator S/N	Brand	Model/ Date installed	Location
JESC 496	Schindler	1987	TV Reception
JESC 497	Schindler	1987	TV Reception
JESC 498	Schindler	1987	Henley
JESC 499	Schindler	1987	Henley
JESC 503	TN Thyssen	1986	Radio Park
JESC 504	TN Thyssen	1986	Radio Park

Provision of Tools, Consumables and Safety Facilities. The Contractor shall provide all necessarily tools such electric multi meter, spanners, faulty diagnose etc , consumables (e.g. oil, grease, detergents, cleaners, preservatives, cotton waste, etc.), safety facilities (e.g. working platform), personal protection equipment and other necessary materials as required for the execution of duties as required by this Contract. All necessary labour and materials of any value, tools, instruments, testing equipment and transportation, etc. required for carrying out fault attendance, routine and emergency inspection, testing, repair, replacement and maintenance services shall deem to be included in the itemized rates of the Schedule of Rates.

Stock of Spare Parts, Replacement and Use of Alternative Make

In the execution of servicing and maintenance, repair and operation work on site, apart from

Transport, necessary labour, tools, equipment, testing instruments, the Contractor shall also be

responsible for keeping adequate stock of spare parts. All labour costs and costs for repair or

replacement of parts whenever required shall be included under this Contract.

(a) All the parts shall be provided to site within 24 hours for replacement/rectification works

excluding lift motors. Otherwise, the Contractor shall maintain the sufficient spare parts

including software of EMS (Elevator Management System) and lift machine on stock which

could not be provided within 24 hours.

(b) The Contractor shall keep adequate stocks of essential spare parts, equipment and other

components which are necessary to maintain the safe and satisfactory working condition and

operation order of the escalator at all times. The essential spare parts shall include but not

limit to major items such as travelling cable, group controller cards, compensating chain,

driving chain, step chain, handrail, etc. Replacement of equipment, parts and components

shall be made in accordance with manufacturer's spare part list. The Contractor shall be

required to provide details, with supporting document, of the stock level of their spare parts to

provide capability to meet the requirements of the Specification.

(c) A permanent replacement of the genuine equipment, parts and/or components with alternative

products shall not be implemented without good reasons, subject to the manufacturer's

warranty that the safe and satisfactory working condition and operation order of the

installation will not be affected due to the use of alternative make. The approval of Employer

shall be obtained prior to the replacement.

(d) Subject to Employer's approval on each case, alternative and compatible equipment, parts

and/or components are allowed to be used as contingent measure to temporarily re-instate the

function and operation of the escalator during on-call maintenance and emergency repair

services, and subject to the Contractor's undertaking for their subsequent replacement by

genuine products as quoted in the manufacturer's spare part list on or before a specified date to

be agreed by the Employer. Unless otherwise specified in the Particular Specification, the

temporary and subsequent replacement works including provision of equipment, parts,

components, all necessary tools and materials shall be provided under the Contract at no extra

cost.

(e) Any replacement of equipment, parts and/or components due to non-availability of spare parts

and/or obsolescence shall be substantiated by the manufacturer of the product.

(f) Expected risks shall be limited to damage caused to the lift/escalator by flooding, typhoon, fire,

etc., beyond the control of the Contractor and as agreed by the Employer.

(g) the bidder to include a full priced BOQ for parts to form part of the service agreement.

Log Book

The logbook shall be provided by the Contractor and kept at management offices of management.

agent or Employer's representative, or appropriate places on site as agreed by the Employer. Every

attendance and detail of work done to each lift/escalator shall be entered into the logbook by the Contractor to form a maintenance record, and/or to certify the Contractor's attendance visits.

as required by this Contract. The logbook entries will be taken as record for the services.

provided by the Contractor in accordance with the requirements stipulated in the Lifts and

Escalators Ordinance, Cap.618. The Employer's Representative will check the entries randomly.

to ascertain the work described in the Contract properly executed. If the lift/escalator is found not

attended for a period of time, the monthly payment will be adjusted according to the formula given.

in Clause 4.2 of this Particular Specification.

In addition to record in the logbook, the Contractor shall also inform the Employer's

Representative in writing for any anomaly found during the routine inspection which may not.

cause present danger to the passenger but awareness is to be taken.

If the logbook is damaged, lost or fully complete, the Contractor shall inform the Employer's

Representative immediately for its replacement. The replacement of logbooks and their return to the Employer's representative or other

2. Effective Date of Bid

Vendors should state in writing in its quotation to the SABC that all furnished information, including price, will remain valid and applicable for 90 days from the date the vendor quotation is received by the SABC.

3. Costing

The quotation must reflect a detailed cost breakdown, and any indirect costs associated with the rendering of required service as per the schedule in the **Scope of Service**.

4. Duration of the Contract

Three (3) years contract

5. Evaluation criteria

a. BBBEE and Price

The RFQ responses will be evaluated on the **80/20** points system

b. Technical Evaluation

- i. The tender submission) will be technically evaluated out of **78**
- ii. A minimum threshold of **50 out of a maximum of 78** has been set.
- iii. Bidders achieving less than the set threshold will be declared non-responsive and therefore will not continue forward for evaluation of BBBEE & Price Preference.

c. Objective Criteria

- i. The SABC further reserve the right not to award this tender to any bidder based on the proven poor record of accomplishment of the bidder in previous projects within the SABC.

Technical Criteria

Evaluation Area	Evaluation Criteria –	Min Points	Max Points
Company experience on Escalators	<p>Provide reference letters on clients letterhead with contact person's name, contact number of client, it must be signed and must state the site name where you serviced or maintain escalators. The reference letters must state the period of the contract. The referrece letter must not be older than five years by the closing date of this RFQ.</p> <ul style="list-style-type: none">- Less than 3 letters (0 points)- 3 Letters (25 points)- 4 or more Letters (30 points) <p>Cummulative years of experience</p> <ul style="list-style-type: none">- 3 to 5 years' experience = 5 points- 6 to 9 years' experience = 10 points	30	45

	- Over 10 years = 15 points		
Expertise	Provide CV for technicians/artisan and proof of valid lift / escalator mechanic trade test license recognized by department of labor for the following. <ul style="list-style-type: none"> One CV with minimum of three years of experience and valid mechanic trade test license lift / escalator (20 Points) Two or more CV with minimum of three years of experience and valid mechanic trade test license lift / escalator (28 Points) 	20	28
Total		50	78

6. ADJUDICATION USING A POINT SYSTEM

- The bidder obtaining the highest number of total points will be awarded the contract unless objective criteria justify the award to another bidder.
- Preference points shall be calculated after process has been brought to a comparative basis taking into account all factors of non-firm prices.
- In the event that two or more bids have scored equal points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- However, when functionality is part of the evaluation process and two or more bids have scored equal points for B-BBEE, the successful bid must be the one scoring the highest score for functionality
- Should two or more bids be equal in all respect, the award shall be decided by the drawing of lots.

7. POINTS AWARDED FOR PRICE

The **80/20** preference point system

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

$$\text{Where: } P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

P_s = Points scored for comparative price of bid under Consideration
 P_t = Comparative price of bid under consideration
 P_{\min} = Comparative price of lowest acceptable bid

B-BBEE PREFERENTIAL POINTS WILL BE AWARDED AS FOLLOWS:

B-BBEE Status Level of Contributor Number of Points

B-BBEE Status level of Contributor	Number of points
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- I. Bidders who qualify as EME's in terms of the B-BBEE Act must submit a certificate issued by a verification Agency accredited by SANAS for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates or DTI Affidavit.
- II. Bidders other than EMEs must submit their original and valid B-BBEE status levels verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a verification agency accredited by SANAS.
- III. A trust, consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate
- IV. A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- V. Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- VI. A tenderer will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intend sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended Sub-contractor is an EME that has the capacity and the ability to execute the sub-contract.
- VII. A tenderer awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have equal or higher B-BBEE status level

than the person concerned, unless the contract is sub-contracted to an EME that has the capacity and the ability to execute the sub-contract.

8. MANDATORY DOCUMENTS FOR ALL SOUTH AFRICAN PARTNERS

- **CSD report (Bidder must be registered with CSD in order to do business with the SABC)**
- **Active registration and valid minimum grading with the Construction Industry Development Board (CIDB) of 3SI. or higher.**

9. REQUIRED DOCUMENTS FOR ALL SOUTH AFRICAN PARTNERS

- Original Tax Clearance (verification will be done with SARS)
- Valid TV Licence (Company's and all Directors)
- Original Valid Original BBBEE Certificate (from SANAS accredited Verification Agency) or from the Auditors approved by the Independent Regulatory Body of Auditors(IRBA)

NOTE: Verification agencies and auditors who are accredited by the IRBA (Independent Regulatory Board for Auditors) are no longer the 'Approved Regulatory Bodies' for B-BBEE verification and therefore IRBA Auditors are NOT allowed to issue B-BBEE certificates after 30 September 2016.

Companies who have engaged their IRBA verification agency prior to 30 September will be able to receive their BEE Certificate after 30 September, but only until 31 December 2016.

- For Exempted Micro Entrepreneurs (EME's), as per CODE 000 statement 000 (Framework for measuring BBBEE) sufficient evidence of qualification as an EME is an Auditor's certificate issued by an accounting officer or verification agency. An EME is any enterprise with an Annual Total Revenue of R5million or less.
- Certified ID Copies of all directors/ Shareholders Certificate
- Company registration documents

10. COMMUNICATION

Respondents are warned that a response will be disqualified should any attempt be made by a tenderer either directly or indirectly to canvass any officer(s) or employees of SABC in respect of a tender, between the closing date and the date of the award of the business.

All enquiries relating to this RFQ should be emailed three days before the closing date.

11. CONDITIONS TO BE OBSERVED WHEN TENDERING

- a. The Corporation does not bind itself to accept the lowest or any tender, nor shall it be responsible for or pay any expenses or losses which may be incurred by the

Tenderer in the preparation and delivery of his tender. The Corporation reserves the right to accept a separate tender or separate tenders for any one or more of the sections of a specification. The corporation also reserves the right to withdraw the tender at any stage.

- b. No tender shall be deemed to have been accepted unless and until a formal contract / letter of intent is prepared and executed.
- c. The Corporation reserves the right to:

Not evaluate and award submissions that do not comply strictly with his RFQ document.

Make a selection solely on the information received in the submissions and

- i. Enter into negotiations with any one or more of preferred bidder(s) based on the criteria specified in the evaluation of this tender.
- ii. Contact any bidder during the evaluation process, in order to clarify any information, without informing any other bidders. During the evaluation process, no change in the content of the RFQ shall be sought, offered or permitted.
- iii. Award a contract to one or more bidder(s).
- iv. Accept any tender in part or full at its own discretion.
- v. Cancel this RFQ or any part thereof at any time.
- vi. Should a bidder(s) be selected for further negotiations, they will be chosen on the basis of the greatest benefit to the Corporation and not necessarily on the basis of the lowest costs, aligned to the BBBEE & Preference Point system.

12. Cost of Bidding

The Tenderer shall bear all costs and expenses associated with preparation and submission of its tender or RFQ, and the Corporation shall under no circumstances be responsible or liable for any such costs, regardless of, without limitation, the conduct or outcome of the bidding, evaluation, and selection process.

END OF RFQ DOCUMENT

Annexed to this document for completion and return with the document:

- Annexure A - Declaration of Interest
- Annexure B - Consortiums, Joint Ventures and Sub-Contracting Regulations
- Annexure C - Previous completed projects/Current Projects
- Annexure D - SBD 8 & 9 Forms

DECLARATION OF INTEREST

1. Any legal or natural person, excluding any permanent employee of SABC, may make an offer or offers in terms of this tender invitation. In view of possible allegations of favouritism, should the resulting tender, or part thereof be awarded to-
 - (a) any person employed by the SABC in the capacity of Tenderer, consultant or service provider; or
 - (b) any person who acts on behalf of SABC; or
 - (c) any person having kinship, including a blood relationship, with a person employed by, or who acts on behalf of SABC; or
 - (d) any legal person which is in any way connected to any person contemplated in paragraph (a), (b) or (c),

it is required that:

The Tenderer or his/her authorised representative shall declare his/her position *vis-à-vis* SABC and/or take an oath declaring his/her interest, where it is known that any such relationship exists between the Tenderer and a person employed by SABC in any capacity.

Does such a relationship exist? [YES/NO]

If YES, state particulars of all such relationships (if necessary, please add additional pages containing the required information):

	[1]	[2]
NAME	:
POSITION	:
OFFICE WHERE EMPLOYED	:
TELEPHONE NUMBER	:
RELATIONSHIP	:

2. Failure on the part of a Tenderer to fill in and/or sign this certificate may be interpreted to mean that an association as stipulated in paragraph 1, *supra*, exists.
3. In the event of a contract being awarded to a Tenderer with an association as stipulated in paragraph 1, *supra*, and it subsequently becomes known that false information was provided in response to the above question, SABC may, in addition to any other remedy it may have:
 - recover from the Tenderer all costs, losses or damages incurred or sustained by SABC as a result of the award of the contract; and/or
 - cancel the contract and claim any damages, which SABC may suffer by having to make less favourable arrangements after such cancellation.

SIGNATURE OF DECLARANT

TENDER NUMBER

DATE

POSITION OF DECLARANT

NAME OF COMPANY OR TENDERER

ANNEXURE B**CONSORTIUMS, JOINT VENTURES AND SUB-CONTRACTING REGULATIONS****1. CONSORTIUMS AND JOINT VENTURES**

- 1.1 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 1.2 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate tender.

2 SUB-CONTRACTING

- 2.1 A person awarded a contract may only enter into a subcontracting arrangement with the approval of the organ of state.
- 2.2 A person awarded a contract in relation to a designated sector, may not subcontract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 2.3 A person awarded a contract may not subcontract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level of contributor than the person concerned, unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

3 DECLARATION OF SUB-CONTRACTING

- 3.1 Will any portion of the contract be sub-contracted? YES / NO
- 3.2 If yes, indicate:
- 3.2.1 The percentage of the contract will be sub-contracted%
- 3.2.2 The name of the sub-contractor
- 3.2.3 The B-BBEE status level of the sub-contractor.....
- 3.2.4 whether the sub-contractor is an EME YES / NO

SIGNATURE OF DECLARANT_____
TENDER NUMBER_____
DATE_____
POSITION OF DECLARANT_____
NAME OF COMPANY OR TENDERER

ANNEXURE “C”

Previous completed projects (preferably provide a detailed company profile, detailed the below mentioned information)

Project Descriptions	Client	Contact no	Contact person	Email address	Period of projects	Value of projects	Project Commence date	Completed date

Current projects (preferably provide a detailed company profile, detailed the below mentioned information)

Project Descriptions	Client	Contact no	Contact person	Email address	Period of projects	Value of projects	Project Commence date	Completion date

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

CERTIFICATION

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

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

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

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

Js365bW

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

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

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.

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

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position
Js914w 2

.....
Name of Bidder