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28 OCTOBER 2021

**REQUEST FOR QUOTATION (RFQ)**

RFQ NUMBER:	RFQ/TV/2021/124
TENDER ISSUE DATE	28 OCTOBER 2021
NON-COMPULSORY BRIEFING SESSION	N/A
RFQ DESCRIPTION	PROVISION OF PROFESSIONAL PHOTOSHOOT SERVICES FOR VIDEO ENTERTAINMENT'S TALENT / CAST AND PRESENTERS AS ONCE OFF PROJECT
CLOSING DATE & TIME	10 NOVEMBER 2021 @ 12H00

**Submissions must be electronically submitted to [RFQSubmissions@sabc.co.za](mailto:RFQSubmissions@sabc.co.za)** on or before the closing date of this RFQ,

For queries, please contact **Goniwe Avuyile** via email: [Tenderqueries@sabc.co.za](mailto:Tenderqueries@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: \_\_\_\_\_

## **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.

## **FIRST PHASE – PREQUALIFICATION CRITERIA: MANDATORY DOCUMENTS**

All bid respondents must submit mandatory documents that comply with all mandatory requirements. Bids that do not fully comply with the mandatory requirements will be disqualified and will not be considered for further evaluation.

<b>MANDATORY REQUIREMENT</b>		<b>COMPLY/ NOT COMPLY</b>
<b>1.</b>	Submit proof CSD registration (Bidder must be registered with CSD in order to do business with the SABC)	

**NON SUBMISSION OF THE MANDATORY DOCUMENTS WILL RESULT IN AUTOMATIC DISQUALIFICATION.**

## REQUIRED DOCUMENTS

- 1.1 Proof of Valid TV License Statement for the Company; all active Directors and Shareholder must have valid TV Licenses.  
(Verification will also be done by the SABC internally).
- 1.2 Valid Tax Clearance Certificate or SARS "Pin" to validate supplier's tax matters
- 1.3 Original or Certified copy of Valid BBEE Certificate (from SANAS accredited Verification Agency)
- 1.4 All EME's and 51% black Owned QSE's are only required to obtain a **sworn affidavit** on an annual basis, confirming the following;
  - 1.4.1 Annual Total Revenue of R10 Million or less (EME) or Revenue between R10 Million and R50 Million for QSE
  - 1.4.2 Level of Black Ownership

### **Note 1:**

**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.**

### **Note 2:**

**Any misrepresentation in terms of the above constitutes a criminal offence as set out in the B-BBEE act as amended.**

- 1.5 Certified copy of Company Registration Document that reflect Company Name, Registration number, date of registration and active Directors or Members.
- 1.6 Certified copy of Shareholders' certificates.
- 1.7 Submit Proof of Public Indemnity Cover for minimum of R10 000 000
- 1.8 Certified copy of ID documents of the Directors or Members.

**NB: NO CONTRACT WILL BE AWARDED TO ANY BIDDERS WHO'S TAX MATTERS ARE NOT IN ORDER.**

**NO CONTRACT WILL BE AWARDED TO ANY BIDDERS WHO'S TV LICENCE STATEMENT ACCOUNT IS NOT VALID.**

## **DETAILED TECHNICAL SPECIFICATION**

### **1. BACKGROUND**

Execution of Photo-shoots is one of the core functions within the publicity department. Video Entertainment (VE) publicity has identified shows from the channels' scheduled programmes that we wish to execute photo-shoots for. The photos will assist us in driving PR/ On-Air / Digital and Marketing campaigns, maximising exposure and creating awareness of the TV content, making sure that we are on top of the media and the viewers' minds. The photos are sent to media for daily, weekly and Monthly highlights.

### **2. THE SHOWS:**

#### **SABC 1**

<b>Show</b>	<b>Date</b>	<b>Synopsis</b>	<b>Numbers</b>
Makoti S2	TBC		10 cast
Squad Goals	TBC		11 cast
Side Dish S2	TBC		10 cast
Hush money	TBC		10 cast
Skeem Saam 10 year	TBC		13 cast
Batsumi	7 <sup>th</sup> November 2021		3 presenters
African Dreams	17 <sup>th</sup> October 2021		10 cast
Dance yo Dumo	TBC	Dance yo Dumo is a presenter driven high-end, shiny-floor, studio based, local dance reality competition show, where contestants are led by dance masters who are some of the biggest and coolest South African A-listers compete in a series of knockout dance challenges by fusing diverse home-grown and international dance styles to go viral and be crowned Dance yo Dumo champs.	6 presenters
Selimathunzi	January 2022	HOTSPOT Selimathunzi lives and breathes pop culture. HOTSPOT Selimathunzi lives and breathes pop culture. The show speaks to those that aspire by showcasing & celebrating those that have made their move and mark. Here, the young at heart are exposed to the world of music, film, fashion, events and personal stories of the famous. HOTSPOT, keeping you connected! Show Presenters: Sphe Vazi, Sthembiso 'Sprkz' Dliwayo and Zanele Potelwa.	3 presenters
Live Amp	TBC		2 presenters
RGB	TBC		3 presenters
Uzalo (ideal for Durban based photographer)	TBC		15 cast

**SABC 2**

<b>Show</b>	<b>Date</b>	<b>Synopsis</b>	<b>Numbers</b>
Giyani S2	29 <sup>th</sup> November 2021	The telenovela, which is set in the heart of South Africa's own Eden, Giyani in Limpopo Province, brings to life the conflict of two families locked in a bitter, decades-long squabble over a contested piece of fertile land and the banana plantation built on it.	10 cast
Kwa Mamazala	TBC		10 cast
Night Shift	2 <sup>nd</sup> December 2021		10 cast
Red Cake Not The Cooking Show,	10 <sup>th</sup> December 2021	Red Cake - Not the Cooking Show is a South African comedy variety game show which combines a number of elements including games, quizzes, celebrity appearances and audience interaction, all of which is accompanied by a resident house band or DJ.	2 presenters
Gospel Classics	TBC		1 presenter
After the Vows	TBC	After The Vows! is a forum where married people from all walks of life share their experiences and perspectives about the realities of Married Life.	1 presenter
Speak Out S3	7 <sup>th</sup> November 2021	Speak Out, is an investigative reality show on SABC 2 that assists viewers and consumers who have been scammed, 'taken for a ride', or robbed out of their hard-earned money through poor or bad service, substandard goods delivered and dishonest business practices.	1 presenter
Relate	TBC		2 presenters
Klop die Kunstenaar	TBC		2 presenters
Africa from Within	TBC		2 presenters
Kontreikos Kokke	TBC	"Kontreikos Kokke" is a cooking show with a twist, it allows viewers to enjoy small town culture, share in the experience, recall memories of home-made food by local cooks, and the communities choose the winner.	1 presenters

**Photoshoots S3**

<b>Show</b>	<b>Date</b>	<b>Synopsis</b>	<b>Numbers</b>
Klatzow IFI	TBC		2 presenters
The Wayne Van Niekerk Story	TBC		2 presenters

Wildlife Warriors	TBC		2 presenters
The Estate	TBC	The Estate is a game-changing gripping premium daily drama that probes the hot-button issues on every South African's lips: Land and Identity, Corruption, Patronage, Money (old and new), Power, Class and Equality, all told through a colourful mix of South African families that fight for their space in these topical debates.	15 actors
Hectic on 3 (ideal for Cape Town based photographer)	TBC		4 presenters
Expresso (ideal for Cape Town based photographer)	TBC		6 presenters
Afternoon Express (ideal for Cape Town based photographer)	TBC		2 presenters

**\*Outstanding synopsis will be given to the awarded supplier**

## 2.2. REQUIREMENTS

A supplier that can assist with the following:

1. Photography
  - a. Taking images of the cast individuals and group shots
    - i. Full length
    - ii. Half length
2. Wardrobe
  - a. Character
  - b. Smart
3. Hair and Make-up
4. Catering

### 2.2.1. Detailed Breakdown & Brief

- **Photography**

The photographer is required to take publicity stills of the cast and presenters that are part of SABC television productions. The photographer needs to propose the treatment of the photographs based on the two categories (character and styled). The photographer is also expected to send through the thumbnails of the images for selection that will be retouched and sent to client. Timelines are very important so that we can give the necessary stakeholders the images on time. You may be requested to provide raw images to the on-air department.

- **Stylist**

The supplier needs to provide a stylist who can assist with the wardrobe. The photographs that will be taken will have 2 different styles.

- Pictures that are in character will need the stylist to coordinate with the production house wardrobe department to get suited character wardrobe.
- The stylist will need to work/ present to the marketing/ publicity team styling concept proposal that are in line with the shows identity.

- **Hair and Make- Up**

The hair and make-up team need to work in collaboration with the stylist so that the look is complimentary. For pictures that are in character the hair and make-up team will need to liaise with the production house team on getting the character look and making sure they are represented. For the styled shoot the team will work on a complimentary look and will need to pitch this to the marketing/ publicity team.

- **Catering**

The caterer will be responsible for meals during the shoots. They will be liaising with the project manager on the number of people attending the shoot and dietary requirements.

### 3. **CONTRACT PERIOD**

Once off project

### 4. **COSTING**

The quotation must reflect a detailed cost breakdown, and any indirect costs associated with the rendering of this service.

### 5. **RFQ Response Information**

#### **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.

### 6. **EVALUATION CRITERIA**

#### **6.1 BBBEE and Price**

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

#### **6.2 Technical Evaluation**

- The RFQ submission will be technically evaluated out of a maximum of **100**;
- A threshold of **75 out of 100** has been set.
- Bidder who obtains less **than 75** will not be considered for the next phase of evaluation.



### 6.3 Objective Criteria

- The SABC further reserve the right not to award this RFQ to any bidder based on the proven poor record of accomplishment of the bidder in previous projects within the SABC.
- Bidders who are blacklisted or have committed other acts of fraud and misrepresentation of facts e.g. tax compliance, BBBEE, company financials, etc. will be eliminated from the bid process.

### SECOND PHASE EVALUATION CRITERIA: PAPER BASED

Evaluation Area	Evaluation Criteria	Max Points	Min Points
<b>Previous Experience</b>	<ul style="list-style-type: none"> <li>• Showcase five photoshoots done for any Entertainment/Broadcasters <b>(10)</b></li> <li>• Showcase two similar work done for other Clients outside of broadcasting <b>(10)</b> <ul style="list-style-type: none"> <li>○ Two showcased (10)</li> <li>○ One showcased (5)</li> </ul> </li> </ul>	<b>20</b>	15
<b>Treatment</b>	<p>The photographs need to have a theme that is attached/ aligned to a theme.</p> <ul style="list-style-type: none"> <li>• Select 3 shows from the list provided above and link a theme to each show <b>(5)</b></li> </ul> <p>Is the styling linked to the themes provided?</p> <ul style="list-style-type: none"> <li>• Styling for at least 3 of the shows listed above <b>(5)</b> <ul style="list-style-type: none"> <li>○ Wardrobe and colour</li> <li>○ Rationale</li> </ul> </li> </ul> <p>Is there lighting used for the shoot to make sure that the images are well light?</p> <ul style="list-style-type: none"> <li>• Lighting <b>(5)</b> <ul style="list-style-type: none"> <li>○ Rationale and reference</li> </ul> </li> </ul> <p>Has the supplier included a photography style linked to the images taken (e.g. artistic, traditional, documentary or lifestyle)</p> <ul style="list-style-type: none"> <li>• Demonstrate the photography style that will be used in the form of references <b>(5)</b></li> </ul> <p>The photographs need to be retouched; does the supplier have the relevant retouching software/ tools?</p> <ul style="list-style-type: none"> <li>• Retouching tools <b>(5)</b></li> </ul> <p>The shoots will be taking place at a studio and will house a number of cast, has catering been provided for a full days shoot?</p> <ul style="list-style-type: none"> <li>• Catering <b>(5)</b></li> </ul>	<b>30</b>	25
<b>Quality of submission</b>	<p>From the photography treatment that has been included in the presentation how has the client measured in terms of the quality of the submission?</p> <ul style="list-style-type: none"> <li>• Does the photography theme that has been presented allow the pictures to stand out and does it align with the shows highlighted in the presentation? <ul style="list-style-type: none"> <li>○ Yes <b>(10)</b></li> <li>○ Maybe <b>(5)</b></li> <li>○ No <b>(0)</b></li> </ul> </li> <li>• Does the lighting reference compliment/ align with the theme? <ul style="list-style-type: none"> <li>○ Yes <b>(10)</b></li> <li>○ Maybe <b>(5)</b></li> <li>○ No <b>(0)</b></li> </ul> </li> <li>• Does the styling reference does this compliment/ align with the theme? <ul style="list-style-type: none"> <li>○ Yes <b>(10)</b></li> <li>○ Maybe <b>(5)</b></li> <li>○ No <b>(0)</b></li> </ul> </li> <li>• Does the hair and make-up compliment/ align with the theme</li> </ul>	<b>40</b>	30

	<ul style="list-style-type: none"> <li>○ Yes <b>(10)</b></li> <li>○ Maybe <b>(5)</b></li> <li>○ No <b>(0)</b></li> </ul> <p>The supplier needs to provide a number of retouched images to the project manager that will be used for marketing initiatives.</p> <ul style="list-style-type: none"> <li>• Number of pics for client selection <b>(10)</b> <ul style="list-style-type: none"> <li>○ 3 and above per cast member (10)</li> <li>○ 2 and below per cast member (0)</li> </ul> </li> </ul>		
<b>Team</b>	<ul style="list-style-type: none"> <li>• Timelines <b>(5)</b> <ul style="list-style-type: none"> <li>○ Demonstrated short turnaround time (needs to show the timeline from brief to execution)</li> </ul> </li> <li>• Enough people to work on the account (team can be outsourced – supplier needs to reflect the team here) <b>(5)</b> <ul style="list-style-type: none"> <li>○ Photographer</li> <li>○ Lighting expert</li> <li>○ Stylist (wardrobe needs to be sourced)</li> <li>○ Hair &amp; make-up</li> <li>○ Catering</li> </ul> </li> </ul>	<b>10</b>	<b>5</b>
<b>Total</b>		<b>100</b>	<b>75</b>

## 7. ADJUDICATION USING A POINT SYSTEM

- 7.1. The bidder obtaining the highest number of total points will be awarded the contract
- 7.2. Preference points shall be calculated after process has been brought to a comparative basis taking into account all factors of non-firm prices.
- 7.3. 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.
- 7.4. 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
- 7.5. Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

## 8. POINTS AWARDED FOR PRICE

### THE 80/20 PREFERENCE POINT SYSTEMS

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

#### 80/20

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

Where

$P_s$  = 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

**BBEE PREFERENTIAL POINTS WILL BE AWARDED AS FOLLOWS:**

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

- 8.1. 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.
- 8.2. 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.
- 8.3. 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
- 8.4. 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.
- 8.5. 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.
- 8.6. 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.
- 8.7. 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.

## **9. 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 RFQ, between the closing date and the date of the award of the business. **All enquiries relating to this RFQ should be emailed two days before the closing date.**

## **10. CONDITIONS TO BE OBSERVED WHEN TENDERING**

- 10.1. 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.
- 10.2. No tender shall be deemed to have been accepted unless and until a formal contract / letter of intent is prepared and executed.
- 10.3. The Corporation reserves the right to:
  - 10.3.1 Not evaluate and award tenders that do not comply strictly with this tender document.
  - 10.3.2 Make a selection solely on the information received in the tenders and
  - 10.3.3 Enter into negotiations with any one or more of preferred Tenderer(s) based on the criteria specified in the evaluation of this tender.
  - 10.3.4 Contact any Tenderer during the evaluation process, in order to clarify any information, without informing any other Tenderers. During the evaluation process, no change in the content of the tender shall be sought, offered or permitted.
  - 10.3.5 Award a contract to one or more Tenderer(s).
  - 10.3.6 Accept any tender in part or full at its own discretion.
  - 10.3.7 Cancel this RFQ or any part thereof at any time.
  - 10.3.8 Should Tenderer(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.
- 10.4 SABC shall not liable for any loss or injuries or damages or death of the bidder representative while travelling for SABC auction business

## **11. 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**

## ANNEXURE A

### 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 tenderer will not be awarded points for B-BBEE status if it is indicated in the tender documents that such a tenderer intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points the tenderer qualifies for, unless the intended sub-contractor is an exempted micro enterprise that has the capacity and ability to execute the sub-contract.
- 2.2 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 an equal or higher B-BBEE status level than the tenderer concerned, unless the contract is sub-contracted to an exempted micro enterprise that has the capability and ability to execute the sub-contract.
- 2.3 A tenderer awarded a contract in relation to a designated sector, may not sub-contract 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.

#### 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

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**SIGNATURE OF DECLARANT**

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**TENDER NUMBER**

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**DATE**

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**POSITION OF DECLARANT NAME OF COMPANY OR TENDERER**

## ANNEXURE B

### 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.

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**SIGNATURE OF DECLARANT**

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**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

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

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(Bid Number and Description)

in response to the invitation for the bid made by:

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(Name of Institution)

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

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

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

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder