SCM Division
Radio Park, Henley Road
Auckland Park 2092
Johannesburg
Private Bag X1
Auckland Park 2006
Tel. +27 11 714-2805
Fax + 11 714-4000
URL www.sabc.co.za
E-mail masangorl@sabc.co.za

08 NOVEMBER 2021

REQUEST FOR QUOTATION (RFQ)

RFQ	**RFQ/ENG/2021/145**
RFQ ISSUE `DATE	**08 NOVEMBER 2021**
RFQ DESCRIPTION	**SUPPLY AND DELIVERY OF NEW GYM EQUIPMENT AS ONCE OFF REQUIREMENT AS WELL AS PROVISION OF AFTER SALES SUPPORT AND MAINTENANACE SERVICES TO GYM EQUIPMENT FOR APERIOD OF FIVE (5) YEARS FOR SABC**
COMPULSORY BRIEFING SESSION (ONLINE AND SITE INSPECTION)	**DATE: 16 NOVEMBER 2021** **TIME:11 AM** **LINK:** Click here to join the meeting
CLOSING DATE & TIME	**30 NOVEMBER 2021 AT 12HOO**

Submissions must be emailed to: SABC 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

For queries, please contact **Masango Lerato on email** 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: _____

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 B Muthien; 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.

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.

	MANDATORY REQUIREMENT	COMPLY/ NOT COMPLY
1.	Submit proof of CSD registration	
2.	Supplier must provide Original Equipment Manufacturer (OEM) letter confirming they can provide required service and support of the Gym Equipment.	

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 SARS Tax Compliance Status Pin Issued to validate supplier's tax matters.

1.3 Original or Certified copy of Valid BBBEE 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;

1.4.1Annual 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 a 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

SABC Gym in Auckland Park has been providing gym, exercise and aerobic services to employees of the SABC since its inception in 2002. Average daily utilization of the gym is 200 and more members. As part of integrated and holistic wellness which encompasses the physical, spiritual, environmental, emotional, mental health and overall wellness of the employees, it is essential to ensure that a wellness benefit such as a gym facility fulfils the exercise needs of the employees. SABC seeks to appoint a service provider to supply and maintain durable commercial gym equipment.

SCOPE OF SERVICE

Procurement and maintenance of new equipment

GYM EQUIPMENT	QUANTITY
Johnson Upright Cycle	**2**
Aerobics Stepper Boxes	**12**
Spinning Bikes	**10**
45 Degree Back Extension	**1**
Stepper Machines	**2**
Smith Machine	**1**
Hi Low Pulley	**1**
Seated Row/Rowing machines	**2**
Heavy Duty Gym Scale	**1**
Boxing Punching Bags with wall mounts	**2**
Punching Bab Hooks	**2**
Training Boxing Gloves	**2**
Swiss Balls 55cm	**2**
Swiss Balls 65cm	**2**
Competition Kettle Bells	**4**
Slam Balls 5kg	**3**
Analogue Wall Clocks	**2**
Digital Stop Watches with Neck strings	**3**

Agility Hurdles 30cm	**10**
Multi Zone Commercial Sound System • **Disc player** • **Cordless mic (please incl lapel for aerobics instructor/virtual classes)** • **Bluetooth function** • **AUX function** • **Wireless Connection** **Speakers IMP speakers X2 Aerobic Studio** **X6 Speakers General Gym Space** **X1 Speaker/s each in the change rooms for announcements & background music**	**1**
Crank cycle	**2**
Abductor Machine (needs cable)	**1**
Battle ropes (5 meters)	**1**
Chin bar	**2**
Olympic Weight bar	**3**
Z-bar	**2**
Weight bar collars/clips (screw on)	**10**
Aerobics Dumbbells (2.5 kg)	**10**
Aerobics Dumbbells (3.5 kg)	**10**
Aerobics Dumbbells (5 kg)	**5**
Aerobics Dumbbells (4 kg)	**5**
Abs Machine	**2**
Abdominal Seated Crunch Machine	**2**

REPAIRS

- **Existing equipment will require repair (to be viewed during site walk) Annexure 1 MAINTENACE**
- **Five (5) Years maintenance contract on new and existing equipment is required.**

2 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.

3 COSTING

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

ITEM	COST
1. New Equipment (break down as per the list provided)	
2. Equipment Repair (break down as per the list provided)	
3. Five Year Maintenance (Break down per year)	

4 DURATION OF THE CONTRACT

Five (5) Years

5 EVALUATION CRITERIA

5.2 BBBEE and Price

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

5.3 Technical Evaluation

5.3.1 The tender submission will be technically evaluated out of **55 points** on the 2nd phase of the evaluation.

5.3.2 All bidders achieving less than the set threshold of **37 points out of 55** points will not proceed to the next phase and not be evaluated for BBBEE & Price.

5.3.3 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.

5.3.4 Bidder's non-compliance to this mandatory requirement will be declared non-responsive.

SECOND PHASE PAPER BASED EVALUATION CRITERIA

Evaluation Area	Evaluation Criteria	Max Points	Min Points
Company Previous Experience	**Bidder to provide a company profile as well as contactable References indicating experience providing gym equipment either in corporate / Commercial gyms or fitness centres:** **Reference letters must include proof of all services requested in the RFQ i.e. supply of new equipment, repairs and maintenance. Letters may not to be older than Five (5) years.** • 1 to 2 Reference Letters (5) • 3 or more Reference Letters (10)	**10**	**5**
Delivery	Bidder to clearly indicate the delivery lead time from supplier after placing of order and this will be scored as follows: • 4 – 6 Weeks of delivery (15 points) • 7– 10 Weeks of delivery (10 points) • More than 10 Weeks of delivery (0 points)	**15**	**10**
Warranty	Bidder to clearly indicate the warranty period and this will be scored as follows: • 1 Year Standard Warranty (2 point) • Extended warranty with financial implications to SABC (3 Points) • Extended warranty with no financial implications to SABC (5 points)	**5**	**2**
Spares holdings	Provide detailed information on how the bidder envisages the support within the warranty period and after the warranty period. The bidder must specify any financial implication to the SABC. • Local spares holding (10 points) • Overseas spares holding (5 points) • No spares holding (0 points)	**10**	**5**
Maintenance and Support	Provide detailed maintenance and support plan indicating how new equipment and all existing equipment, will be maintained. The maintenance plan should accommodate adhoc requests for service as when required, as well as how the equipment will be supported in terms of efficiencies and call resolution within the warranty period and post the warranty period. **(15 points)** No detailed plan or missing information **(0 points)**	**15**	**15**
Total		**55**	**37**

6 ADJUDICATION USING A POINT SYSTEM

6.2 The bidder obtaining the highest number of total points will be awarded the contract unless objective criteria justify the award to another bidder

6.3 Preference points shall be calculated after process has been brought to a comparative basis taking into account all factors of non-firm prices.

6.4 In the event that two or more bids have scored equal pints, the successful bid must be the one scoring the highest number of preference points for B-BBEE.

6.5 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

6.6 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:

$$Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

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

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**

7.2 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.

7.3 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.

7.4 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

7.5 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.

7.6 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.

7.7 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.

7.8 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 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.

9 CONDITIONS TO BE OBSERVED WHEN TENDERING

9.2 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.

9.3 No tender shall be deemed to have been accepted unless and until a formal contract / letter of intent is prepared and executed.

9.4 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

9.4.1 Enter into negotiations with any one or more of preferred bidder(s) based on the criteria specified in the evaluation of this tender.

9.4.2 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.

9.4.3 Award a contract to one or more bidder(s).

9.4.4 Accept any tender in part or full at its own discretion.

9.4.5 Cancel this RFQ or any part thereof at any time.

9.4.6 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.

10 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

ANNEXURE A

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

ANNEXURE ''D''

SBD 8

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	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? **(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 *audi alteram partem* rule was applied).** 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.	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)? **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.**	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:

SBD 8

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

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Standard Bidding Document (SBD) must form part of all bids[1] 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 consortium[3] 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.

SBD 9

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

Js914w 2