



**cooperative
governance**
Department:
Cooperative Governance
REPUBLIC OF SOUTH AFRICA



Letaba House, Riverside Office Park, 1303 Heuwel Avenue, Centurion, 0046
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Terms of Reference for the Appointment of a Service Provider to Develop a Municipal Infrastructure Project Preparation Guideline for Municipalities within a Period of Eight (8) Months

Beneficiary	Municipal Infrastructure Support Agent
Contact Person	Ms. Lumka Tyikwe: 012 848 5300 Lumka.Tyikwe@misa.gov.za
Postal Address	1303 Heuwel Avenue, Riverside Office Park, Letaba House, Centurion, 0046
Project Name	Terms of Reference for the Appointment of a Service Provider to Develop a Municipal Infrastructure Project Preparation Guideline for Municipalities within a Period of Eight (8) Months
Reference No.	MISA/IDMS/DMIP/030/2021/22
Non- Compulsory Briefing session	14 September 2021 @ 10:00am
Closing Date	21 September 2021 @ 11:00am

1. INTRODUCTION

- 1.1 MISA emanates from the State of Local Government Report (2009) and the Local Government Turn-Around Strategy (LGTAS). As part of implementing the LGTAS, in May 2012 the government established MISA as a government component accountable to the Executive Authority of Cooperative Governance and Traditional Affairs (COGTA). MISA is a special purpose vehicle whose primary mandate is to coordinate and provide support to municipalities to facilitate sustainable municipal infrastructure provisioning and management.
- 1.2 Infrastructure is the backbone of any economy. As a result, governments have widely recognized the importance of infrastructure as an enabler for economic development and social progress. Several studies have shown that an increase in infrastructure assets will boost gross domestic product (GDP).
- 1.3 Significant infrastructure investments are needed for the country to achieve the objectives of the strategic government plans (such as the Sustainable Development Goals (SDG) and the National Development Plan (NDP)) and to improve people's well-being. Yet there is a tremendous gap between investment requirements and the actual investments. To close this gap, both public and private finance sources are required. It also requires the development of a pipeline of well-prepared infrastructure projects.

2. BACKGROUND

Local government plays an important and significant role in the provision of services that are essential to developing the local economy and improving the living conditions of local communities, especially the poor. The Constitution commits government to take reasonable measures within its available resources to fulfil its service delivery and developmental mandates, such as ensuring that all South Africans have access to basic services through the provision of relevant infrastructure. Project preparation serves as a key enabler of the delivery process for setting new effective financing architecture, models and channels for local government infrastructure and infrastructure in general.

3. PROBLEM STATEMENT

Municipalities are conflicted by a challenge of having to invest in the provision of new infrastructure whilst at the same time spending enough resources in the maintenance of old infrastructure. This requires significant funding, and in a context where resources are scarce and over reliance on the fiscus is a futile option, municipalities must explore new avenues, tools, and instruments for infrastructure financing. For municipalities to explore alternative forms of funding there is a need to prepare and package project in a manner

that can attract the interest of various financiers. Many projects that are socially or economically desirable may not be bankable. Despite countless ideas and plans for infrastructure projects by both the public and the private sector, a solid pipeline of bankable projects that can effectively address infrastructure requirement is still lacking in most of the municipalities, this is mainly due to lack of capacity and financial resources.

4. PROJECT DEFINITION AND OBJECTIVES

4.1 Project preparation is the process of analysing and developing a project idea into a project ready for bankability and implementation. The process involves de-risking the project and ensuring the progression of the project through the various development stages. Project preparation serves as a key enabler of the delivery process for setting new effective financing architecture, models and channels for local government infrastructure and infrastructure in general.

4.2 Bankability refers to the preparedness of projects to attract investor interest and engagement. Factors required to demonstrate bankability include proof of project feasibility, project development, financial viability, demand planning, funding of operation, acceptance in the community, regulatory approvals, and legal compliance.

4.3 The objective of the project is to appoint a service provider that will develop an infrastructure project preparation guideline that will assist municipalities to unlock economic opportunities through facilitation of better conceptualisation, development, design, financing, procurement, and operation of major infrastructure projects. The municipal infrastructure project preparation guideline will be rolled out in the form of training in three identified municipalities.

5. SCOPE OF WORK

The scope of work for the appointed a service provider will include the following:

5.1 Develop a Municipal Infrastructure Project Preparation Guideline for municipalities within a period of six (6) months. The Municipal Infrastructure Project Preparation Guideline should address the following key areas:

- How to determine the strategic need of a project
 - How to create an enabling environment for infrastructure projects
 - How to define a project
 - How to determine a project is economically and socially desirable.
 - How to determine that a project is commercially viable/bankable
 - How to determine that a project is affordable
 - How to determine the financial requirements and benefits of a project
 - How to structure funding for the projects
 - How to run the procurement processes
 - How to determine strategies of managing a project
- 5.2 Roll-out training of the Municipal Infrastructure Project Preparation Guideline, within a period of two (2) months, in the following manner:
- Train the trainer programme to MISA Provincial Managers and Engineers (virtually)
 - Training of the following three (3) municipalities: Govern Mbeki Local Municipality, Polokwane Local Municipality and eMalahleni Local Municipality.
- 5.3 The overall project duration will be eight (8) months, i.e.: six months for the development of the Municipal Infrastructure Project Preparation Guideline and two (2) months for the training roll-out programme.

6. PROJECT COSTING

The pricing schedule should include the following:

- The names of the persons nominated to be used in the project.
- The number of hours allocated to each nominated person for the duration of the project.
- The hourly tariff applicable to each nominated person.
- All monetary amounts must be in South African Rand.
- The overall project costs inclusive of the disbursement costs (including travelling).
- VAT must be included.

PHASE 1: DEVELOPMENT OF PROJECT PREPARATION GUIDELINE

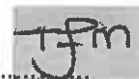
TEAM RESOURCES PER 1 ST STAGE	NUMBER OF TEAM RESOURCES	NO OF DAYS	AVERAGE DAILY RATE	TOTAL COST
Resource A				
Resource B				
Resource C				
Resource D				
Resource E				
ESTIMATED COST OF TRAVELLING AND ACCOMMODATION (IF APPLICABLE ON THIS PHASE)				
SUB-TOTAL (EXCLUDING VAT)				
TOTAL (INCLUDING VAT)				

N.B: Should the bill of quantities not be fully completed the service provider will not be evaluated.

PHASE 2: ROLLING OUT OF PROJECT PREPARATION GUIDELINE TO MUNICIPALITIES

TEAM RESOURCES PER 2 nd STAGE	NUMBER OF TEAM RESOURCES	NO OF DAYS	AVERAGE DAILY RATE	TOTAL COST
Resource A				
Resource B				
Resource C				
Resource D				
Resource E				
ESTIMATED COST OF TRAVELLING AND ACCOMMODATION (IF APPLICABLE ON THIS PHASE)				
SUB-TOTAL (EXCLUDING VAT)				
TOTAL (INCLUDING VAT)				

N.B: Should the bill of quantities not be fully completed the service provider will not be evaluated.



7. MANDATORY REQUIREMENTS

The following pre-qualification criteria will be used for consideration of bids. (*NB: Failure to submit the following requirements with the proposal will disqualify the bidder's proposal.*)

- 7.1 Company Profile detailing company experience in project preparation
- 7.2 Detailed CVs of the project team detailing project team members roles and responsibilities
- 7.3 Proposal and Methodology.
- 7.4 Three (3) reference letters (In company letter heads) of verifiable references in respect of Infrastructure Project Preparation services rendered to other institutions.
- 7.5 Fully completed and appropriately signed SBD forms: SBD 1, SBD 3.3, SBD 4, SBD 6.1, SBD 8 and SBD 9.

8. NON-MANDATORY REQUIREMENTS

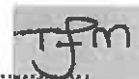
- 8.1 Central Supplier Database (CSD) Report (where consortium/joint ventures/ sub-contractor are involved, each party to the association must submit separate Tax Clearance requirements.)
- 8.2 Certified BBBEE certificate/ Sworn affidavit.

9. SKILLS, EXPERIENCE AND QUALIFICATIONS REQUIRED

9.1 Skills and Experience

The service provider shall possess the following skills:

- Extensive knowledge and experience in Infrastructure project preparation work
- Extensive experience in technical and financial implementation of Municipal projects
- Extensive knowledge in structuring infrastructure finance
- Extensive knowledge of financial modelling
- Extensive knowledge of the Municipal Finance environment.
- Understanding of sector policies that regulates the provision of basic services.
- Ability to understand the dynamics of municipal budgets.
- Ability to analyse and review economic data and produce reports.



- Strong programme management skills with a proven track record of undertaking large-scale of projects.
- Maturity in interpersonal relationships and the ability to work well within a team.
- Excellent writing, communication, facilitation, capacity building and leadership skills;
- Excellent knowledge of the current status of local government finance system;
- Strong programme management skills with a proven track record of undertaking large scale projects.

9.2 Qualifications

The service provider (the team members collectively) shall possess the following qualifications from a recognised tertiary institution:

- Project Management
- Economics and other relevant qualification in economics
- Developmental Finance and or Public Finance
- Civil Engineering
- Quantity Surveying

NB: Qualifications Issued by foreign tertiary institutions should be evaluated by the South African Qualification Authority (SAQA).

10. CONTENTS OF PROJECT PROPOSAL

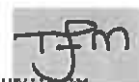
A clear and concise project proposal covering the aspect listed below is required:

- 10.1 An executive summary.
- 10.2 A project plan (outlining realistic milestones)
- 10.3 The proposed methodology should indicate a detailed understanding of project preparation work as outlined in the scope of work (section 5). The methodology should also indicate the project milestones that will be used to measure the project progress. All data to be sourced at no cost to MISA
- 10.4 The methodology must also have a training component indicating how the Project Preparation Guideline will be rolled out to municipalities to assist in effective project identification, planning and preparation. The approach should be cost saving yet achieve the highest value for money.
- 10.5 The names and CV's containing detailed information on relevant experiences of all the persons who will be **directly** contributing to the project, and their roles thereof.

10.6 Any shortcomings in the project specifications, how these need to be addressed and the cost implications thereof.

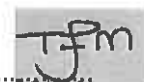
11. EVALUATION CRITERIA

Criteria	Points allocation	Maximum Points
Skills required from Company		20 Points
<p>1. Demonstrate knowledge and practical experience in conducting project preparation. Submit reference letters /completion certificate.</p> <p>Demonstrated by practical track-record (through reference letters/ completion certificates) of at least five letters with portfolio of evidence illustrating the list of projects undertaken with specifications, clients, and contacts = 10 points</p> <p>Demonstrated by practical track-record (through reference letters/ completion certificates) of at least four letters with portfolio of evidence illustrating the list of projects undertaken with specifications, clients, and contacts = 8 points</p> <p>Demonstrated by practical track-record (through reference letters/ completion certificates) of at least three letters with portfolio of evidence illustrating the list of projects undertaken with specifications, clients, and contacts = 6 points</p> <p>Demonstrated by practical track-record (through reference letters/ completion certificates) of at least two letters with portfolio of evidence illustrating the list of projects undertaken with specifications, clients and contacts = 4 points</p> <p>Demonstrated by practical track-record (through reference letters/ completion certificates) of at least one letter with portfolio of evidence illustrating the list of projects undertaken with specifications, clients and contacts = 2 points</p>	10 points	
<p>2. Demonstrate knowledge and practical experience of developing training tools.</p> <p>Demonstrated by practical track-record (through reference letters/ completion certificates) of at least five letters with portfolio of evidence illustrating the list of projects undertaken with specifications, clients and contacts = 10 points</p> <p>Demonstrated by practical track-record (through reference letters/ completion certificates) of at least four letters with portfolio of evidence illustrating the list of</p>	10 Points	

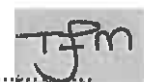


<p>projects undertaken with specifications, clients and contacts = 8 points</p> <p>Demonstrated by practical track-record (through reference letters/ completion certificates) of at least three letters with portfolio of evidence illustrating the list of projects undertaken with specifications, clients and contacts = 6 points</p> <p>Demonstrated by practical track-record (through reference letters/ completion certificates) of at least two letters with portfolio of evidence illustrating the list of projects undertaken with specifications, clients and contacts = 4 points</p> <p>Demonstrated by practical track-record (through reference letters/ completion certificates) of at least one letters with portfolio of evidence illustrating the list of projects undertaken with specifications, clients and contacts = 2 points</p>		
Experience and Qualifications required for Key Personnel		60 Points
<p>3. RESOURCE A: Project Leader (One CV required)</p> <p>Qualifications: Certified copies of Project Management qualification from a recognised tertiary institution. PhD or Doctorate = 5 points Masters = 4 points Honours = 3 points Degree = 2 points Diploma = 1 point</p> <p>Experience outlined in a detailed CV: Strong project management skills with a proven track record of undertaking large-scale of projects.</p> <p>Demonstrate comprehensive knowledge in project planning, project execution, project monitoring and controlling.</p> <p>Demonstrate comprehensive knowledge and understanding of government legislation, technical expertise and practical experience in planning and budget issues related to infrastructure development.</p> <p>Experience of project Team Leader in Project Management 9 years and above = 5 points 6 years to below 9 years = 4 points 4 years to below 6 years = 3 points 2 years to below 4 years = 2 points 0 years to below 2 years = 1 points</p>	<p>5 Points</p> <p>5 Points</p>	

<p>4. RESOURCE B: Engineering experts (Maximum of two CVs)</p> <p>Qualifications of 1st Expert: Certified copies of qualification in engineering services (Civil Engineering)</p> <p>PhD or Doctorate = 5 points Masters = 4 points Honours = 3 points Degree = 2 points Diploma = 1 point</p> <p>Experience of 1st Expert outlined in a detailed CV: Proven technical expertise in the infrastructure design models.</p> <p>Experience in Civil Engineering 9 years and above = 5 points 6 years to below 9 years = 4 points 4 years to below 6 years = 3 points 2 years to below 4 years = 2 points 0 years to below 2 years = 1 point</p> <p>Qualifications of 2nd Engineering Expert: Certified copies of qualification in engineering services (Civil Engineering)</p> <p>PhD or Doctorate = 5 points Masters = 4 points Honours = 3 points Degree = 2 points Diploma = 1 point</p> <p>Experience of 2nd Expert outlined in a detailed CV: Proven technical expertise in the infrastructure design models.</p> <p>Experience in Civil Engineering 9 years and above = 5 points 6 years to below 9 years = 4 points 4 years to below 6 years = 3 points 2 years to below 4 years = 2 points 0 years to below 2 years = 1 point</p> <p>5. RESOURCE C: Costing of Engineering Services (Maximum of two CVs)</p> <p>Qualifications of 1st Expert: Certified copies of qualification in Quantity Surveying</p> <p>PhD or Doctorate = 5 points Masters = 4 points Honours = 3 points</p>	<p>5 Points</p> <p>5 Points</p> <p>5 Points</p> <p>5 Points</p> <p>5 Points</p>	
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<p>Degree = 2 points Diploma = 1 point</p> <p>Experience of 2nd Expert outlined in a detailed CV: Proven technical expertise in the costing of engineering services.</p> <p>Demonstrate knowledge of engineering services costing models.</p> <p>Experience In Quantity Surveying 9 years and above = 5 points 6 years to below 9 years = 4 points 4 years to below 6 years = 3 points 2 years to below 4 years = 2 points 0 years to below 2 years = 1 points</p>		
<p>6. RESOURCE D: Economist</p> <p>(One CV required)</p> <p>Qualifications: Certified copies of qualification in Economics related fields.</p> <p>PhD or Doctorate = 5 points Masters = 4 points Honours = 3 points Degree = 2 points Diploma = 1 point</p> <p>Experience of expert outlined in a detailed CV: Proven expertise in determining the economic viability and sustainability of the projects. Demonstrate knowledge of assessing economic viability.</p> <p>Experience in Economics 9 years and above = 5 points 6 years to below 9 years = 4 points 4 years to below 6 years = 3 points 2 years to below 4 years = 2 points 0 years to below 2 years = 1 points</p>	<p>5 Points</p> <p>5 Points</p> <p>5 Points</p>	
<p>7. RESOURCE E: Financial specialist (One CV required)</p> <p>Qualifications: Certified copies of qualification in Development Finance or Public Finance</p> <p>PhD or Doctorate = 5 points Masters = 4 points Honours = 3 points Degree = 2 points Diploma = 1 point</p>	<p>5 Points</p>	



<p>Experience of expert outlined in a detailed CV:</p> <p>Proven expertise in determining the affordability of projects, financial structuring and financial modelling</p> <p>Experience in Finance 9 years and above = 5 points 6 years to below 9 years = 4 points 4 years to below 6 years = 3 points 2 years to below 4 years = 2 points 0 years to below 2 years = 1 points</p>	5 Points	
Methodology/Project Plan		
8. Criteria	Points per section	Maximum Points
<p>Demonstrate in an organised and well written project proposal a clear impression of the bidder's capabilities, understanding of the project scope and a detailed project plan indicating the project methodology.</p> <p>The approach paper must contain at least the following:</p> <p>Table of Contents: Listing of contents of the approach paper with page numbers and/ references to annexures (if any);</p> <p>Executive Summary: A brief summary of the whole contents of the approach paper.</p> <p>Approach: Detailed approach the bidder feels best to deliver the intended objectives for the project with identification of tasks for each of the activities.</p>	<p>Demonstrate the following in a detailed project proposal:</p> <p>Methodology to be adopted when developing a Municipal Infrastructure Project Preparation Guideline for municipalities = 10 points</p>	10 points
	<p>Project implementation schedule, risks and risk management proposal =5 points</p>	5 points
	<p>Plan for rolling-out training of the Municipal Infrastructure Project Preparation Guideline = 5 points</p>	5 points
	Total Points	100 Points
Threshold		70 Points

The threshold for this bid is 70 points. Only bidders who meet and exceed the threshold score will proceed to the next stage of Price and B-BEE.

**11.1 Price and BBEE
Points for B-BBEE Status Level of Contribution (P_p)**

Maximum of 20 points are allocated for Preferential Procurement Goal. Preference point must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of point (80/20 system)
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

Points for Bid Price (P_s)

Maximum of 80 points are allocated to Bid Price on the following basis:

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

Where,

P_s = Points scored for comparative price of the Bid under consideration

P_t = Comparative price of the Bid under consideration

P_{\min} = Comparative price of lowest qualified Bid

A tenderer may not be awarded points for B-BBEE status level of contributor if the tender documents indicate that the tenderer intends subcontracting more than 25% of the value of the contract to any other person not qualifying for at least the points that the tenderer qualifies for, unless the intended subcontractor is an EME that has the capability to execute the subcontract.

12. DELIVERABLES

Phase 1

The service provider will be expected to produce a generic Infrastructure Project Preparation guideline to be used to support municipalities in the preparation and

packaging of infrastructure projects to attract investors. (N.B.: Guideline to be printed with MISA corporate identity)

Phase 2

The service provider will produce roll-out the developed Infrastructure Project Preparation Guideline (within a period of 2 months) in the following manner.

- Train the trainer programme to MISA Provincial Managers and Engineers (virtually or any means applicable)
- Training of the following three (3) municipalities: Govern Mbeki Local Municipality, Polokwane Local Municipality and eMalahleni Local Municipality.

NB: All the documentation developed will remain the property of MISA

13. OUTPUTS AND TIMEFRAMES

- 13.1 It is anticipated that the project will run for a period of eight (8) months from the day of signing of the contract.
- 13.2 The service provider will be expected to submit an inception report detailing the work-plan, activities, and timelines of outputs two weeks after appointment.
- 13.3 The outcome of the project will be:
- Infrastructure Project Preparation Guideline
 - Training the trainer programme to MISA Provincial Managers and Engineers
 - Training roll-out programme to following three (3) municipalities: Govern Mbeki Local Municipality, Polokwane Local Municipality and eMalahleni Local Municipality

14. COSTING AND PAYMENT

- 14.1 Bidders are required to submit a full price quotation for this bid.
- 14.2 MISA will not entertain any request for price variation from the winning bidder after the tender has been awarded.
- 14.3 All prices must be inclusive of VAT (if VAT registered), delivery as well as all deliverables indicated in this ToR.
- 14.4 MISA does not pay any amount in advance. Only original signed invoices must be submitted for payments. The service provider will be paid within 30 days after the services have been fully rendered to the satisfaction of MISA and approval of the invoice. Payment is done by means of electronic transfer directly into the service provider's bank account.

15. MISA's RIGHTS

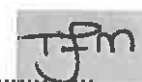
15.1. MISA reserves the right;

- 15.1.1. To cancel this solicitation in whole or in part, at its sole discretion, at any time before the Agreement is fully executed.
- 15.1.2. To modify or cancel in whole or in part this RFP, to reject any and all proposals, to accept the proposal it considers most favorable to MISA's interests at its sole discretion, and to waive irregularities or informalities in any proposal or in the proposal procedures.
- 15.1.3. To verify the credibility of reference letters submitted as part of the bid document in response to this invitation to tender.
- 15.1.4. To reject all proposals and seek new proposals when MISA considers such a procedure to be in its best interest. If there is any evidence indicating that two (02) or more bidders are in collusion to restrict competition or are otherwise engaged in anti-competitive practices, the proposals of all such bidders shall be rejected, and such evidence may be a cause for disqualification of the participants in any future solicitations issued by MISA.
- 15.1.5. To hold negotiations with any tenderer or qualified company, or to request best and final offers if it is in the best interest of MISA to do so. However, MISA may make an award without conducting any negotiations; therefore, proposers are encouraged to submit their best proposal at the outset.
- 15.1.6. This RFP does not commit MISA to award an Agreement, to pay any costs incurred by bidders in the preparation of their proposals submitted in response to this RFP, or to procure or contract for services.
- 15.1.7. Appointment will be subject to the outcome of the vetting process on the recommended bidder.

16. GENERAL

16.1 The Service Provider undertakes to:

- 16.1.1 Conduct business in a courteous and professional manner.
- 16.1.2 Provide the necessary documentation as requested prior to the awarding of the contract.



- 16.1.3 Comply with all relevant employment legislation and applicable bargaining council agreements, including UIF, PAYE, etc. (where applicable)
- 16.1.4 Manage internal disputes among his/her staff in such a way that MISA is not affected by those disputes.
- 16.1.5 Comply with the MISA security and emergency policies, procedures, and regulations at MISA premises.
- 16.1.6 Ensure that all staff working on this project are adequately trained prior to the commencement of the project.
- 16.1.7 Ensure that MISA is informed of any changes in staff related to the execution of the project. For security reasons, MISA reserves the right to vet all persons working on this project.

17. MISA UNDERTAKES TO:

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

18. MONITORING AND EVALUATION

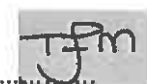
- 18.1 MISA or its nominee reserves the right to monitor and evaluate the progress and outcome of this intervention as well as other services provided by the selected service provider; MISA or its nominee reserves the right to replace the service provider if the quality of service rendered is being compromised.

19. NON COMPULSORY BRIEFING SESSION

- 19.1 Bidders are invited to attend a Non Compulsory briefing session to be held online. The briefing session link will be made available on the MISA website on the briefing session date and time as stipulated in the tender document.

Date: 14 September 2021

Time: 10h00



20. SUBMISSION OF PROPOSALS

The Tender Documents will be made available on www.etenders.gov.za and will be uploaded on the eTender Portal. The Tender Documents are not for sale and will also not be emailed to bidders. The Tender Documents must reach the offices of the MISA on or before the **21 of September 2021 @ 11:00am** and must be enclosed in a sealed envelope which must be clearly inscribed on the outside:

BID REFERENCE NUMBER: MISA/IDMS/DMIP/030/2021/22

CLOSING DATE: 21 September 2021

Tender documents are to be submitted to MISA Reception and deposited in the tender box. (At MISA Offices, 1303 Heuwel Road, Riverside Office Park, Letaba House, Centurion, 0046).

21. PERIOD FOR ACCEPTANCE OF PROPOSALS

- 21.1 In order to allow for adequate evaluation, MISA requires a response to this solicitation to be valid and irrevocable for 90 days after submittal date and time.
- 21.2 No bidder may withdraw a proposal within 90 days after the proposal due date. A mistake on the part of the bidder in preparing the proposal confers no right for the withdrawal of the proposal after it has been opened.
- 21.3 Should there be valid reasons why the Agreement cannot be awarded within the specified period; the time may be extended by mutual agreement between MISA and the bidder(s).

22. MODIFICATION, WITHDRAWAL, MISTAKES, AND MINOR INFORMALITIES

- 22.1 Proposals may be modified or withdrawn prior to the established due date via email or mail request. Please refer to section 25, "Questions and Requests for Clarifications" for contact information

23. COMMUNICATION WITH MISA OFFICIALS

- 23.1 Bidders and their representatives may not communicate with MISA officials except in writing and if the communication is made public.
- 23.2 Bidders and their representatives must communicate in the manner set forth in this RFP. There shall be no communication with MISA officials except as may be reasonably necessary to carry out the procedures specified in this RFP.

23.3 Nothing herein prohibits bidders and their representatives from making oral statements or presentations in public to one or more MISA officials during a public meeting.

24. CONFIDENTIALITY

24.1 All responses to this RFP become property of MISA and will be kept confidential until a recommendation for award of a contract has been announced. Thereafter, submittals are subject to public inspection and disclosure in accordance with the provisions of applicable legislation.

25. QUESTIONS AND REQUESTS FOR CLARIFICATIONS

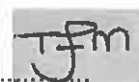
25.1 Bidders must carefully examine the bid documents and in the event of doubt of anything contained in the documents.

- For SCM queries please contact the following person:

Ms. L. Tyikwe

Tel: (012) 848 5325

E-mail: lumka.tyikwe@misa.gov.za



**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/PUBLIC ENTITY)			
BID NUMBER:		CLOSING DATE:	
DESCRIPTION			
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO		TECHNICAL ENQUIRIES MAY BE DIRECTED TO:	
CONTACT PERSON		CONTACT PERSON	
TELEPHONE NUMBER		TELEPHONE NUMBER	
FACSIMILE NUMBER		FACSIMILE NUMBER	
E-MAIL ADDRESS		E-MAIL ADDRESS	
SUPPLIER INFORMATION			
NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE	NUMBER	
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE	NUMBER	
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:	OR	CENTRAL SUPPLIER DATABASE No: MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]			
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS			
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.			

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED—(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g. company resolution)

DATE:

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	BID NO.:
CLOSING TIME 11:00	CLOSING DATE.....

OFFER TO BE VALID FORDAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
---------	-------------	--

1. The accompanying information must be used for the formulation of proposals.

2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project

R.....

3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

4. PERSON AND POSITION

HOURLY RATE

DAILY RATE

R _____

R _____

R _____

R _____

R _____

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

R _____ days

R _____ days

R _____ days

R _____ days

5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED

RATE

QUANTITY

AMOUNT

..... R.....

..... R.....

..... R.....

..... R.....

TOTAL: R.....

** "all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance contributions and skills development levies.

Name of Bidder:

5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	R.....
.....	R.....
.....	R.....
.....	R.....
TOTAL: R.....			

- 6. Period required for commencement with project after acceptance of bid
.....
- 7. Estimated man-days for completion of project
.....
- 8. Are the rates quoted firm for the full period of contract? *YES/NO
- 9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.
.....
.....
.....

*[DELETE IF NOT APPLICABLE]

Any enquiries regarding bidding procedures may be directed to the –

(INSERT NAME AND ADDRESS OF DEPARTMENT/ENTITY)

Tel:

Or for technical information –

(INSERT NAME OF CONTACT PERSON)

Tel:

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:

2.3 Position occupied in the Company (director, trustee, shareholder²):

2.4 Company Registration Number:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

"State" means –

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

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

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

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

Name of state institution at which you or the person connected to the bidder is employed :

Position occupied in the state institution:

Any other particulars:

.....

.....

.....

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

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

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

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

.....

.....

.....

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

2.8.1 If so, furnish particulars:

.....

.....

.....

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

4 DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

May 2011

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

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

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

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **"B-BBEE status level of contributor"** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **"EME"** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **"functionality"** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **"prices"** includes all applicable taxes less all unconditional discounts;
- (h) **"proof of B-BBEE status level of contributor"** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **"QSE"** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **"rand value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \mathbf{or} & P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)
 \end{array}$$

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

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

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

5. BID DECLARATION

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

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		

Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
 - One person business/sole propriety
 - Close corporation
 - Company
 - (Pty) Limited
- [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

- Manufacturer
 - Supplier
 - Professional service provider
 - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a

fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>

<p>..... SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p> <p>ADDRESS</p> <p>.....</p> <p>.....</p>
--

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? (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)? 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	<p>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?</p>	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:		

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

J5365bW

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.

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

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 consortium⁹ 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.

⁹ 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

Js914w 2