



## PENSION FUNDS ADJUDICATOR

### PROVISIONING OF ICT SECURITY SUPPORT SERVICES

OPFA/SCSS2017/T4

**CLOSING: DATE 13 NOVEMBER 2017**

**4th Floor, Riverwalk Office Park, Block A, 41 Matroosberg Road, Ashlea Gardens, PRETORIA  
SOUTH AFRICA, 0181**

**BIDDER NAME** \_\_\_\_\_

**COMPANY REG NUMBER** \_\_\_\_\_

**CENTRAL SUPPLIER DATABASE (CSD) NUMBER** \_\_\_\_\_

**B-BBEEE Status Levels as per Certificate** \_\_\_\_\_

**B-BBEE Expiry Date** \_\_\_\_\_

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**Board Members:** AM Sithole (Chairperson) H Wilton (Deputy Chairperson) Z Bassa JV Mogadime  
Prof PJ Sutherland FE Groepe D Turpin HMH Ratshefola D Msomi I Momoniat O Makhubela  
**Pension Funds Adjudicator:** MA Lukhaimane

## INDEX PAGE

### TABLE OF CONTENTS

NO.	DESCRIPTION	FORMS
1	INVITATION TO BID	SBD 1
2	TERMS OF REFERENCE	
3	PRICING SCHEDULE	SBD 3.3
4	DECLARATION OF INTEREST	SBD 4
5	PREFERENCE POINTS CLAIM FORM FOR PREFERENTIAL PROCUREMENT REGULATIONS 2011	SBD 6.1
6	DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES	SBD 8
7	CERTIFICATE OF INDEPENDENT BID DETERMINATION	SBD 9



**INVITATION TO BID**

**SBD 1**

**YOU ARE HEREBY INVITED TO BID FOR THE PROVISION OF ICT SECURITY SUPPORT SERVICES**

**BID NUMBER: OPFA/SCSS2017/T4 CLOSING DATE: 13 NOVEMBER 2017 CLOSING TIME: 11:00**

**DESCRIPTION: PROVISION OF ICT SECURITY SUPPORT SERVICES**

**The successful bidder will be required to fill in and sign a written Contract Form (SBD7.2)**

BID DOCUMENTS MUST BE HAND-DELIVERED IN PERSON OR BY COURIER TO THE OPFA AND MUST BE CLEARLY MARKED "FOR ATTENTION: SUPPLY CHAIN MANAGEMENT AND QUOTING THE APPLICABLE REFERENCE NUMBER, TO:

**4TH FLOOR  
RIVERWALK OFFICE PARK  
BLOCK A, 41 MATROOSBERG ROAD  
ASHLEA GARDENS  
PRETORIA  
SOUTH AFRICA  
0181**

**FAXED AND E-MAILED DOCUMENTS WILL NOT BE CONSIDERED**

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

**THE FOLLOWING PARTICULARS MUST BE FURNISHED  
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)**

NAME OF BIDDER \_\_\_\_\_

ADDRESS \_\_\_\_\_

\_\_\_\_\_



CONTACT NUMBER(S): TEL \_\_\_\_\_ CELL \_\_\_\_\_

FACSMILE NUMBER: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

VAT NUMBER: \_\_\_\_\_

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE

YES	NO

**IF YES, WHO WAS THE CERTIFICATE ISSUED BY?**

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT

A VERIFICATION AGENCY ACCREDITED BY SANAS:

A REGISTERED AUDITOR

**(PLEASE TICK APPLICABLE BOX)**

**(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE 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? (IF YES, PROVIDE PROOF)

YES	NO

SINATURE OF THE BIDDER \_\_\_\_\_

DATE \_\_\_\_\_

CAPACITY UNDER WHICH THE BID IS SIGNED \_\_\_\_\_

TOTAL BID PRICE; \_\_\_\_\_

## ENQUIRIES

### ENQUIRIES REGARDING PROCEDURE

DEPARTMENT: SUPPLY CHAIN MANAGEMENT

NAME: WONDER DILA

TEL: 012 748 4000/4080

E-Mail address: [wonder@pfa.org.za](mailto:wonder@pfa.org.za)

### ENQUIRIES REGARDING TECHNICAL INFORMATION ON THE SPECIFICATION

NAME: DUMA LUBANDO

TEL: 012 748 4000/4082

E-Mail address: [Dumazile.Lubando@pfa.org.za](mailto:Dumazile.Lubando@pfa.org.za)

## A. TENDER NOTICE

### 1. TENDER NOTICE

- 1.1 The Office of the Pension Funds Adjudicator (OPFA) was established in terms of section 30B of the Pension Funds Act No.24 of 1956 with effect from 1 January 1998 to investigate and determine complaints lodged in terms of the Act. It is funded in terms of section 30R of the Pension Funds Act by way of a levy imposed by national legislation and collected by the Financial Services Board
- 1.2 The OPFA operates from offices in Pretoria at **Riverwalk Office Park; 4<sup>TH</sup> Floor, Block A; 41 Matroosberg Road; Ashlea Gardens Extension 6; Menlo Park; Pretoria.**
- 1.3 Tenders are hereby invited for the appointment of a service provider to provide ICT Security Support Services at the Office of the Pension Funds Adjudicator. This is will be for the period of 3 years
- 1.4 This tender is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations, 2017, the General Conditions of Contract (GCC) and, if applicable, any other special conditions of contract where, however, the special conditions of contract are in conflict with the general conditions of contract, the special conditions of contract prevail.

### 2. BRIEFING SESSION

- 2.1 There will be a briefing session for this tender.
- 2.2 A **compulsory briefing** session will be held on **25<sup>th</sup> of October 2017, starting at 11:00 (South African Standard Time)** at the following address:

Pension Funds Adjudicator  
Block A, 4<sup>th</sup> Floor, Riverwalk Office Park  
41 Matroosberg Road (Corner Garsfontein and Matroosberg Roads)  
Ashlea Gardens, Menlo Park,  
Pretoria,  
South Africa,  
0181

- 2.3 **THE OPFA WILL NOT BE COMPELLED TO REPEAT ANY ISSUES ALREADY COVERED TO LATECOMERS, NOR OPEN THE BRIEFING SESSION REGISTER ONCE THE SESSION HAS BEEN COMPLETED.**

### 3. TENDER ENQUIRIES

3.1 Enquiries relating to the tender may be directed by e-mail to:

Wonder Dila  
Supply Chain Management Unit  
Tel no.: (012) 748 4080  
E-mail: [wonder@pfa.org.za](mailto:wonder@pfa.org.za) or [tenders@pfa.org.za](mailto:tenders@pfa.org.za)

3.2 All enquiries must be forwarded in writing via email to Wonder Dila on [tenders@pfa.org.za](mailto:tenders@pfa.org.za) by not later than **3<sup>rd</sup> of November 2017**. Enquiries received after this date will not be entertained

3.3 All enquiries must reference specific paragraph numbers, where applicable.

### 4. TENDER SUBMISSION

#### 4.1 Marking and submission of tender documents

Completed documents with supporting annexures shall be packaged, sealed, clearly marked and submitted strictly as follows:

**Tender No:** OPFA/SCSS2017/T3

**Bid Name:** Provision of ICT Security Support Services

#### 4.2 Physical printed copies

The OPFA requires **four (4) printed copies (one (1) original and three (3) copies of the original)** of your documents supporting the technical criteria as stated above and the OPFA reserves the right to make further copies as needed for this evaluation.

#### 4.3 Physical Address

4th Floor, Riverwalk Office Park  
Block A, 41 Matroosberg Road  
Ashlea Gardens  
PRETORIA  
SOUTH AFRICA  
0181

**LATE SUBMISSIONS AND BIDS SUBMITTED BY MEANS OF E-MAIL, TELEGRAM, TELEX FACSIMILE, ELECTRONIC OR SIMILAR MEANS SHALL NOT BE CONSIDERED.**

## **5. PRICING SCHEDULE**

Bidders are required to provide detailed pricing schedule for all services proposed.

Only fixed prices will be accepted.

**A pricing schedule must be submitted on a separate sheet from the technical proposal for ease of evaluation. The pricing schedule must be submitted together with the SBD3.3 form.**



## B. SPECIAL CONDITIONS OF THE TENDER

### 1. DEFINITIONS

- 1.1. Unless inconsistent with or expressly indicated otherwise by the context.
- 1.1.1 **OPFA** shall mean the Office of the Pension Funds Adjudicator.
- 1.1.2 **CONTRACTOR** shall mean the Tenderer whose Tender has been accepted by the OPFA and shall include the Tenderer's personal representatives.
- 1.1.3 **CONTRACT** shall include the General Conditions of Contract and Special Conditions of Contract, the specifications including any schedules attached to the specifications, and any agreement entered into in terms of these Special Conditions of Contract.
- 1.1.4 **CONTRACT PRICE** means the price payable to the Contractor under the contract for the full and proper performance of his contractual obligations.
- 1.1.5 **COMMENCEMENT** shall mean the date in which the order was issued by the OPFA and the rights and obligations of the Parties in terms of and pursuant to the provisions of the contract shall be effective.
- 1.1.6 **DATE OF TENDER** shall mean the date and time on which the tender is due to be deposited in terms of the tender notice.
- 1.1.7 **SERVICE** shall mean the provisioning of ICT Security Support Services.
- 1.1.8 **PERSON** includes any company incorporated or registered as such under any law, any body of persons corporate or unincorporated, any trust. Person, firm or company shall include an authorised employee or agent of such person.
- 1.2. In this document, depending on the context, the singular includes the plural, and with reference to gender, the one includes the other.

## C. TENDER RULES

### 1. CAPABILITIES AND EXPERIENCE OF TENDERERS

Tenderers are required to provide all information as necessary to demonstrate their capabilities and experience with regard to the requested services.

### 2. FORM OF TENDER

2.1 The tender shall be signed and witnessed on the form of tender incorporated herein. The schedule of services shall be fully priced in South African Rand to show the total amount of the tender, and shall be signed. The certificates, schedules and forms contained in this document shall be completed and signed by the tenderer in blue or black ink.

2.2 Where the space provided in the bound document is insufficient, separate schedules may be drawn up in accordance with the prescribed formats. These schedules shall be bound with a suitable contents page and submitted with the tender documents.

### 3. SIGNING OF TENDER

The tender must be signed by a person who is duly authorised to do so.

### 4. TENDER ALL INCLUSIVE

The tenderer must provide an all-inclusive fee statement in the tender

### 5. ALTERATIONS TO TENDER DOCUMENTS

5.1 No unauthorised alteration or addition shall be made to the form of tender, to the schedule of quantities of services to be rendered or to any other part of the tender documents. If any such alteration or addition is made or if the schedule of quantities of services to be rendered, or other schedules or certificates are not properly completed, such submission may be disqualified.

5.2 Tenders submitted in accordance with this tender document shall be without any qualifications. The tenderer shall request the OPFA as soon as possible during the tender stage (on or before the closing date for enquiries) to clarify any point. If, in the opinion of the OPFA, a point in question is significant; the OPFA will provide a reply to all the tenderers as early as possible.

## 6. OPFA'S RIGHTS

- 6.1 The OPFA is entitled to amend any bid conditions, bid validity period, tender specifications, or extend the bid's closing date, all before the bid closing date. All bidders, to whom the tender documents have been issued and where the OPFA have record of such bidders, may be advised in writing of such amendments in good time and any such changes will also be posted on the OPFA's website under the relevant tender information. All prospective bidders must, therefore, ensure that they visit the website regularly and before they submit their bid response to ensure that they are kept updated on any amendments in this regard.
- 6.2 The OPFA reserves the right not to accept the lowest priced bid or any bid in part or in whole.
- 6.3 The OPFA reserves the right to award this bid as a whole or in part.
- 6.4 The OPFA reserves the right to conduct site visits at bidder's corporate offices and/or at client sites if so required.
- 6.5 The OPFA reserves the right to consider the guidelines and prescribed hourly remuneration rates for consultants as provided in the National Treasury Instruction 2 of 2016/2017: Cost Containment Measures, where relevant.
- 6.6 The OPFA reserves the right to request all relevant information, agreements and other documents to verify information supplied in the bid response. The bidder hereby gives consent to the OPFA to conduct background checks on the bidding entity and any of its directors/trustees/shareholders/members.

## 7. UNDERTAKING BY BIDDER

- 7.1 By submitting a bid in response to this tender, the bidder will be taken to have offered to render all or any of the services described in the bid response submitted by it to the OPFA on the terms and conditions and in accordance with the specifications stipulated in this tender document.
- 7.2 The bidder shall prepare for a possible presentation should the OPFA require such and the bidder shall be notified thereof in good time before the actual presentation date. Such presentation may include a practical demonstration of products or services as called for in this tender.
- 7.3 The bidder agrees that the offer contained in its bid shall remain binding upon him and receptive for acceptance by the OPFA during the bid validity period indicated in the tender and calculated from the bid closing date and its acceptance shall be subject to the terms and conditions contained in this tender document read with the bid.
- 7.4 The bidder furthermore confirms that he has satisfied himself as to the correctness and validity of his bid response; that the price(s) and rate(s) quoted cover all the work/item(s) specified in the bid response documents; and that the price(s) and rate(s) cover all his

obligations under a resulting contract for the services contemplated in this tender; and that he accepts that any mistakes regarding price(s) and calculations will be at his risk.

- 7.5 The successful bidder accepts full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on him under the supply agreement and Service Level Agreement (SLA) to be concluded with OPFA, as the principal(s) liable for the due fulfilment of such contract.
- 7.6 The bidder accepts that all costs incurred in the preparation, presentation and demonstration of the solution offered by it shall be for the account of the bidder. All supporting documentation and manuals submitted with its bid will become OPFA property unless otherwise stated by the bidder/s at the time of submission.
- 7.7 The bidder warrants that the goods proposed under this tender are new, unused, of the most recent or current models; and that they incorporate all recent improvements in design and materials unless provided otherwise in this tender. The bidder further warrants that all goods proposed under this tender shall have no defect, arising from design, materials, or workmanship (except when the design and/or material is required by the tender's specifications) or from any act or omission of the bidder, that may develop under normal use of the proposed goods in the conditions prevailing in South Africa.

## 8. REGISTRATION WITH CENTRAL SUPPLIER DATABASE

The OPFA will not award any bid to a supplier who is not registered as a prospective supplier on the Central Supplier Database (CSD) as required in terms of National Treasury Circular No. 3 of 2015/2016 and National Treasury SCM Instruction Note 4 of 2016/2017.

## 9. SUPPLIER PERFORMANCE MANAGEMENT

- 9.1 Supplier Performance Management is viewed by the OPFA as a critical component in ensuring value for money acquisition and good supplier relations between the OPFA and all its suppliers.
- 9.2 The successful bidder shall upon receipt of written notification of an award, be required to conclude a SLA with the OPFA (where applicable), which will form an integral part of the supply agreement. The SLA will serve as a tool to measure, monitor and assess the supplier's performance and ensure effective delivery of service, quality and value-add to the OPFA's business.
- 9.3 The successful bidder will be required to comply with the above condition, and may also be required to provide a scorecard on how their product/service offering is being measured to achieve the objectives of this condition.

## 10. CANCELLATION OF CONTRACT

- 10.1 If the OPFA is satisfied that any person (including an employee, partner, director or shareholder of the tenderer or a person acting on behalf of or with the knowledge of the tenderer), firm or company:
- 10.1.1 is executing a contract with the OPFA unsatisfactorily,
  - 10.1.2 has in any manner been involved in a corrupt act in relation or other gift or remuneration to any officer or employee of the OPFA in connection with obtaining or executing a contract,
  - 10.1.3 has acted in bad faith, in a fraudulent manner or committed an offence in obtaining or executing a contract,
  - 10.1.4 has in any manner influenced or attempted to influence the awarding of a OPFA's bid,
  - 10.1.5 has, when advised that his tender has been accepted, given notice of his inability to execute or sign the contract or to furnish any security required,
  - 10.1.6 has engaged in any anti-competitive behaviour, including having entered into any agreement or arrangement, whether legally binding or not, with any other person, firm or company to refrain from tendering for this contract, or relating to the tender price to be submitted by either party,
  - 10.1.7 has disclosed to any other person, any information relating to this bid, except where disclosure, in confidence, was necessary to obtain quotations required for the preparation of the tender, the OPFA may, in addition to any other legal recourse which it may have, cancel the contract between the OPFA and such a person and/or resolve that no tender from such a person will be favourably considered for a specified period.
- 10.2 If the OPFA is satisfied that any person is or was a shareholder or a director of a firm or company which in terms of paragraph 10.1, is one from which no tender will be favourably considered for a specified period, the OPFA may also decide that no tender from such a person, firm or company shall be favourably considered for a specified period.
- 10.3 Any restriction imposed upon any person shall, apply to any other person with which such a person is actively associated.

## 11. APPLICABLE LAWS

- 11.1 The laws of the Republic of South Africa shall be applicable to each contract created by the acceptance of a tender and each tenderer shall indicate an address in the Republic and specify it in his tender as his *domicilium citandi et executandi* where any legal process may be served on him.
- 11.2 Each tenderer shall accept the jurisdiction of the courts of the Republic of South Africa.

## 12. QUERIES REGARDING TENDER

- 12.1 Any questions regarding this tender shall be submitted in writing to the official mentioned in the Tender Notice.
- 12.2 No requests for information shall be made to any other person or place and in particular not to the existing providers of these services.

## 13. REASONS FOR DISQUALIFICATION OF TENDER

- 13.1 The OPFA reserves the right to disqualify any bidder which does any one or more of the following, and such disqualification may take place without prior notice to the offending bidder, however the bidder will be notified in writing of such disqualification:

- 13.1.1 bidders who submit incomplete information and documentation according to the requirements of this tender document;
- 13.1.2 bidders who submit information that is fraudulent, factually untrue or inaccurate;
- 13.1.3 bidders who receive information not available to other potential bidders through fraudulent means;
- 13.1.4 bidders who do not comply with mandatory requirements, if stipulated in the tender document;
- 13.1.5 bidders who fail to comply with FICA (Financial Intelligence Centre Act) requirements (where applicable).
- 13.1.6 Failure to submit the required number of copies of your proposal as per the tender submission requirements

## 14. DELEGATION OF AUTHORITY

The OPFA may delegate any power vested in it by virtue of these rules to an officer or employee of the OPFA.

## 15. TENDER RULES ARE BINDING

The tender rules as well as the instructions given in the official tender notice shall be binding on all tenderers submitting tender applications for the service or services stated in the tender document.

## 16. LANGUAGE OF CONTRACT

The tender documents are drafted in English and any contract, which originates from the acceptance of the tender, will be interpreted and construed in English.

## D. TERMS OF REFERENCE

### 1. OBJECTIVES

In order to ensure that the OPFA will be able to fulfill its mandate, a process of continuous improvement has been implemented to enhance and optimise the ICT environment to support new solutions and business processes.

The OPFA has 60 employees; and is a Microsoft-based environment. The OPFA ICT environment has the Production, Business continuity and the Quality Assurance environments, totaling to 80 servers. The end users devices consist of 20 Mobile devices and 60 workstations.

The OPFA invites ICT security service providers to provide ICT security services for the OPFA environment. The successful service provider will provide tools and services; the OPFA will not supply or procure tools required for execution of this engagement.

### 2. PURPOSE

2.1 The purpose of the request for the bid is to appoint a contractor to provide ICT security support services to the OPFA.

2.2 The proposal must include the services listed below for a period of three (3) years.

### 3. SCOPE OF WORK

#### 3.1 SERVICES (DESIGN AND IMPLEMENTATION)

The proposal must include the services listed below for a period of three (3) years.

##### 3.1.1 ICT Security monitoring

- The service provider must provide Security Incidents and Event Management (SIEM) services, including threat identification, implementation of agreed actions per threat, and threat reporting.

- The service provider will be required to perform an external vulnerability assessment aimed at identifying potential weaknesses in the perimeter network and external facing systems of the organisation annually.
- The service provider will be required to assess the vulnerability status of one (1) external facing website and/or portal, which the organisation manages and maintains.
- The service provider will be required to assess the vulnerability status of the on-line system, which is accessible externally by the public.

### **3.1.2 Advisory Threat Intelligence**

The service provider will be expected to provide regular updates of the international and local threat landscape and provide a priority advisory service for critical events that need immediate attention by the OPFA.

### **3.1.3 Penetration Testing and Social Engineering (Annually)**

- The service provider will be required to perform a non-intrusive penetration test of the organisation's environment. The test must include a report with remedial actions. The penetration test must be re-run to ensure the remedial actions were effectively implemented.
- The service provider must perform an annual social engineering exercise.

### **3.1.4 Kaspersky Management**

- Provide Kaspersky endpoint protection support and maintenance, on workstations, and servers.
- Provide Kaspersky Mobile Device Management support and maintenance.

### **3.1.5 Hardware and Software**

- Supply all software, licensing, hardware, cabling, installation and configurations to enable the solutions to function.
- The design of the solution must take into consideration the OPFA's current ICT network environment. The OPFA must be provided with a design document and configuration document as part of the deliverables.



- The proposal must include the provision of project management to ensure that the project is delivered according to project management standards.

### 3.2 SUPPORT

The following support and maintenance is required.

- 3.2.1 The proposal must include 300 support and maintenance hours for the Kaspersky products,
- 3.2.2 On-site mission critical support for a period of three (3) years on all devices or appliances that form part of this solution
- 3.2.3 Monthly performance and SLA reviews are compulsory, and will be expected at no additional cost
- 3.2.4 The OPFA expects the following measurable minimum targets for end to end availability of the Kaspersky products. The number in the acceptable downtime column indicates the total allowed downtime from all incidents within coverage hours per calendar month arranged per incident severity level.

#### AVAILABILITY

Availability (or uptime) is the ratio of time a system or component is functional to the total time it is required or expected to function. This can be expressed as a direct proportion (for example, 9.8/10 or 0.98) or as a percentage (for example, 98%). The OPFA also has additional metrics for availability which include time between failures, response times and repair times.

<b>Support and Maintenance Services</b>	Uptime	99% uptime per device	Per monthly period
	Response Time	15 minutes to respond	After service desk alerted
	Repair Time of Operating Platform	2 hour to repair (24 hour clock)	After service desk alerted
	Repair time of hardware	6 hours to repair	

#### 4. RESPONSE ITEMS

The following items need to be clearly stated in the response and provided for in the solution:

- All services must represent a complete solution. The service provider will be expected to provide any tools and products required to deliver the service. The OPFA will not procure any tools and products for the services on behalf of the service provider. Tools and products to be implemented in the OPFA environment to facilitate the delivery of the service must be done in accordance with the OPFA governance and standards.
- Pricing for ALL individual items MUST be included in all quotations.

## 5. BID EVALUATION

The proposals will be evaluated as follows.

### 5.1 Evaluation Stage One: Compliance

Compliance with administrative requirements stated in the Standard Bidding Documents and the mandatory requirements as listed in. In this evaluation stage, all bidders that fail to provide the required information and documentation will be disqualified from further evaluation.

### 5.2 Evaluation Stage Two: Functionality evaluation criteria

In this evaluation stage, bidders are expected to obtain a minimum of 70 out of 100 points available to proceed to the next evaluation stage of the evaluation. Failure to obtain the prescribed 70 points will automatically disqualify the bid offer from proceeding to the next evaluation stage. See evaluation criteria below

### 5.3 Evaluation Stage Three: Preference Point System

The 80/20 preference point system shall be applicable to this phase, where 80 points represent maximum obtainable points for the lowest acceptable price, and 20 points represents the B-BBEE level status. Points will be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table as listed in the bid documentation.

### 5.4 Evaluation Stage Four: Site Inspection

At the OPFA's discretion a site inspection may be conducted at this stage. The OPFA might visit the selected service providers' premises with the objective of verifying facts of the bidders as contained in their respective bid documents. Should it be discovered during a site inspection that the information submitted by the service provider is inconsistent with what is on their current premises of business, such bidders will be disqualified.

## 6. BID EVALUATION

The functionality criteria are listed below, and will be rated as follows:

Values: 1=Poor, 2=Average, 3=Good, 4=Very Good, 5=Excellent

ITEM	EVALUATION CRITERIA	DESCRIPTION	WEIGHT
A.	Technical Fitness	Provide detailed implementation plan, tools, roles and responsibilities split between OPFA and Service Provider.	70
B.	Organisational Profile and Credentials	Provide the organisational profile and indicate the relevant credentials awarded by the solution protection vendor/supplier (10).  Provide the professional profiles of the individuals that will be responsible for, and working on, the assignment including any credentials and/or certifications related to the proposed solution. (10).	20
C.	Track Record (References)	Provide at least three (3) customer reference letters not older than two (2) years from the closing date of this bid, relating to similar projects. The references must include a project description and the duties of the service provider on the project.	10
<b>TOTAL</b>			<b>100</b>

## 7. PREFERENCE POINT SYSTEM

Whilst it would be possible that price would be indicated as a percentage of premium or something similar, it is expected that the bidder should provide a **fixed rand estimate of the total fee**.

The formula below will be used to calculate the preference procurement points for price:

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

Where:

$P_s$	Points scored for price of tender under consideration
$P_t$	Rand value of offer tender consideration
$P_{\min}$	Rand value of lowest acceptable tender

Depending on the bidder's level of broad-based black empowerment contribution, a maximum of **20** points may be allocated to a bidder. The points scored by a bidder for broad-based black economic empowerment contribution will be added to the preference procurement points allocated for price.

The table below reflects the number of points to be allocated to a bidder based on broad-based black economic empowerment contribution:

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

## 8. ADDITIONAL INFORMATION REQUIRED

7.1 The following compulsory additional information is required. Failure to complete and supply any of these documents will lead to disqualification from this bid:

Invitation to bid	SBD 1
Pricing Schedule	SBD 3.3
Declaration of Interest	SBD 4
Preference Points Claim Form for Preferential Procurement Regulations 2017 (including a valid B-BBEE Status Level Verification Certificate) <b>Should a bidder not complete and sign the SBD6.1, the bidder will be allocated 0.00 points for B-BBEE.</b>	SBD 6.1
Declaration: Abuse of Supply Chain Management Systems	SBD 8
Certificate of Independent Bid Determination	SBD 9

7.2 The following additional information is also required.

Declaration and proof that pension or provident fund contributions are not in arrears.

Bidders are required to indicate if they participate and contribute to any retirement fund for the benefit of their employees, should they not participate in such, they must indicate to the fact.

Those who participate and contribute in any retirement fund for the benefit of their employees must provide us with a confirmation from their retirement fund administrator.

## 9. BID VALIDITY

Tenders shall remain valid and binding for a period of sixty (60) days from the closing date, expiring on 15 January 2018.



SBD 3.3

**PRICING SCHEDULE**  
(Professional Services)

NAME OF BIDDER: .....	BID NO.: <b>OPFA/SCSS2017/T4</b>
CLOSING TIME 11:00	CLOSING DATE <b>13 NOVEMBER 2017</b>

OFFER TO BE VALID FOR .....DAYS FROM THE CLOSING DATE OF BID.

ITEM NO INCLUDED)	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES	
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 fund contributions and skills development levies.

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.

.....  
.....  
.....



## DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, 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 an advertised competitive bid, a limited bid, a proposal or written price quotation). 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, shareholder<sup>2</sup>, member):  
.....
  - 2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:  
.....
  - 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.

1“State” means –

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

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

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 attach 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 / **YES / NO**  
trustees / shareholders / members or their spouses conduct  
business with the state in the previous twelve months?

2.8.1 If so, furnish particulars:  
.....  
.....  
.....

2.9 Do you, or any person connected with the bidder, have **YES / NO**  
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?

2.9.1 If so, furnish particulars.  
.....  
.....

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

2.10.1 If so, furnish particulars.  
.....  
.....

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

2.11.1 If so, furnish particulars:  
.....  
.....

3. Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	Personal Income Tax Reference Number	State Number / Number	Employee Persal

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 SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

SBD 6.1

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011**

**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, 2011.**

**1. GENERAL CONDITIONS**

- 1.1 The following preference point systems are applicable to all bids:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
  - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2 The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.
- 1.3 Preference points for this bid shall be awarded for:
- (a) Price; and
  - (b) B-BBEE Status Level of Contribution.
- 1.4 The maximum points for this bid are allocated as follows:

	POINTS
<b>PRICE</b>	80
<b>B-BBEE STATUS LEVEL OF CONTRIBUTION</b>	20
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

- 1.5 Failure on the part of a bidder to submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS), or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or a sworn affidavit confirming annual turnover and level of black ownership in case of an EME and QSE 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) **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

- (b) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (c) **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (d) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- (e) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (f) **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- (g) **“consortium or joint venture”** 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;
- (h) **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- (i) **“EME”** means an Exempted Micro Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (j) **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- (k) **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- (l) **“non-firm prices”** means all prices other than “firm” prices;
- (m) **“person”** includes a juristic person;
- (n) **“QSE”** means a Qualifying Small EEnterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 ( Act No. 53 of 2003);
- (o) **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- (p) **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;

- (q) **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- (r) **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- (s) **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

### 3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

### 4. POINTS AWARDED FOR PRICE

#### 4.1 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

Where

- P<sub>s</sub> = Points scored for comparative price of bid under consideration
- P<sub>t</sub> = Comparative price of bid under consideration
- P<sub>min</sub> = Comparative price of lowest acceptable bid

**5. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION**

5.1 In terms of Regulation 5 (2) and 6 (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

- 5.2 A bidder who qualifies as a EME in terms of the B-BBEE Act must submit a sworn affidavit confirming Annual Total Revenue and Level of Black Ownership.
- 5.3 A Bidder other than EME or QSE must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 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.
- 5.5 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.
- 5.6 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.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder 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 that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person 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 person concerned, unless the contract is sub-contracted to an EME that has the



capability and ability to execute the sub-contract.

**6. BID DECLARATION**

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

**7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 5.1**

7.1 B-BBEE Status Level of Contribution: . = .....(maximum of 10 or 20 points)  
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or a sworn affidavit.

**8. SUB-CONTRACTING**

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

*(Tick applicable box)*

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

8.1.1 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.

*(Tick applicable box)*

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

**9. DECLARATION WITH REGARD TO COMPANY/FIRM**

9.1 Name of company/firm:.....

9.2 VAT registration number:.....

9.3 Company registration number:.....

**9.4 TYPE OF COMPANY/ FIRM**

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

**9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....  
 .....  
 .....

9.6 COMPANY CLASSIFICATION

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

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

9.8 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 contribution indicated in paragraph 7 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 paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution.



WITNESSES

1. ....

2. ....

.....  
SIGNATURE(S) OF BIDDERS(S)

DATE: .....

ADDRESS .....

.....

.....

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

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

**CERTIFICATION**

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

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

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

**SBD 9**

**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:

---

(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 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.





11.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

---

**Board Members:** AM Sithole (Chairperson) H Wilton (Deputy Chairperson) Z Bassa JV Mogadime  
Prof PJ Sutherland FE Groepe D Turpin HMH Ratshefola D Msomi I Momoniat O Makhubela  
**Pension Funds Adjudicator:** MA Lukhaimane