

TERMS OF REFERENCE

FOR

RESEARCH ON THE ROLE AND CONTRIBUTION OF COOPERATIVES TOWARDS THE SOUTH AFRICAN ECONOMIC RECONSTRUCTION AND RECOVERY PLAN

BID NUMBER: NDA08/DMR02/20

BRIEFING SESSION	A NON-COMPULSORY BRIEFING SESSION WILL BE HELD ON THE 05^h FEBRUARY 2021 @ 10H00.
VENUE	MICROSOFT TEAMS: Bidders who are interested in joining the compulsory briefing session MUST send their e-mail addresses to: MuziM@nda.org.za / ElizabethM@nda.org.za by 15h00 on the 04 th February 2021 so that a link can be sent to them for joining the Microsoft Teams meeting.
CLOSING DATE CLOSING TIME	22nd FEBRUARY 2021 12H00
SUBMISSION OF DOCUMENTS	All proposals must be delivered at the NDA Head Office on or before the closing date and time. The Head Office address is: 26 Wellington Road, Parktown, Johannesburg, 2193. Submissions must be strictly submitted inside the tender box, which is at the main entrance and accessible 24/7. <i>Service providers outside of Gauteng are advised to send their documents by courier. NDA will not take responsibility for documents sent via postal services.</i>
SUPPLIER ENVELOPES	The supplier's envelope/s MUST clearly have the description of the BID " The Role and Contribution of Cooperatives towards the South Africa Economic Reconstruction and Recovery Plan " A TWO-ENVELOPE system will be used for the submission of quotations: Commercial Envelope This envelope must contain price quotations plus all the mandatory documents as listed in section 14 of this document. Technical Envelope This envelope must contain all info listed from section 4 to 10 of this document.
LATE BIDS	Bids received after the closing date and time will not be accepted for consideration and where practicable, will be returned unopened to the Bidder(s).

Contact person for Commercial Queries is Ms Elizabeth Mngqabashe or Muzi Matsenjwa on 011 018-5546/5562 between 08h30 to 17h00 on weekdays. Queries can also be sent in writing to ElizabethM@nda.org.za/MuziM@nda.org.za.

Contact person for Technical Queries is Mr Thami Ngwenya on +27 72 606 7879 or ThamiN@nda.org.za/ Ms Nthabiseng Kraai on 011 018 5507 or nthabisengK@nda.org.za

OVERVIEW OF NDA

The National Development Agency is a public entity listed under Schedule 3A of the Public Finance Management Act (PFMA). It was established in terms of the National Development Agency Act No 108 of 1998 as amended.

Our mandate

In terms of the National Development Agency (NDA) Act (Act No 108 of 1998 as amended), NDA was mandated to contribute towards the eradication of poverty and its causes by granting funds to civil society organizations (CSOs) to:

- Implement development projects in poor communities, and
- Strengthen the institutional capacity of other CSOs that provide services to poor communities.

Impact Statement:

Reduced levels of poverty in South Africa.

Mission:

A premier development agency that coordinates and integrates development initiatives to break the cycle of poverty in the country.

Vision:

Championing development for a society free from poverty.

Organisational values:

- Integrity
- Accountability and Responsibility
- Transparency
- Respect
- Ubuntu
- Innovation
- Excellence

1. BACKGROUND

The National Development Agency (NDA) is a Schedule 3A, Public entity, as prescribed by the PFMA Act of 1999. The Agency was established through the National Development Act of 1998, as amended. The NDA Act requires the NDA in Section 3 (2) (b) to: “Undertake research and publications aimed at providing the basis for development policy.” Research undertaken by the Agency is for purposes of promoting, debating, consultation, dialogue and sharing of development experience between civil society organizations and relevant organs of state on development policy.

The NDA is an Agency of government mandated by the National Development Agency Act 108 of 1998 to promote an appropriate and sustainable partnership between the Government and civil society organisations in order to eradicate poverty and its causes. According to NDA (2017), since its inception and full operation in 2000, the Agency set out its agenda to focus on implementing developmental projects that support Civil Society Organisations (CSOs) to eradicate poverty and strengthen the institutional capacity of CSOs to provide quality services to the poor. In addition, to address challenges of poverty the NDA works closely with civil society organisations that operate in impoverished communities on programmes and endeavours in ways that contribute towards the eradication of poverty in South Africa. The agency does this through grant funding and capacity building of civil society organisations (CSO's) that work to address the causes of poverty, inclusive of cooperatives.

The purpose of this research is to identify the role, contribution and challenges faced by Cooperatives in revitalising effective and sustainable economic activities in response to the government economic reconstruction and recovery plan initiatives as a response to the negative effect of COVID-19. The research must also inform government, business and civil society on how to frame economic policies that would ignite and increase economic growth through well-structured cooperative efforts post COVID-19 pandemic period in South Africa.

1.1 Constitutional Mandates

The NDA strategic intentions and objectives are guided by the requirements of Chapter 2 of the Constitution of the Republic of South Africa. Chapter 2 of the Constitution outlines the Bill of Rights, which sets out the fundamental rights of all South Africans, including the right to dignity and the right to equality. The Bill of Rights also states when rights may be limited. The NDA-legislated mandate requires the NDA to contribute towards poverty eradication and

its causes, thus responding to the Bill of Rights to affirm the rights to health care, food, water, social security, children and education rights.

1.2 Policy Mandate

The National Development Plan (NDP); the Medium-Term Strategic Framework (MTSF); Sector Plans and the United Nations Sustainable Development Goals (SDGs) guide the NDA's functions. The aim of the NDP is in line with the NDA's mandate. The NDP aims to reduce inequality and eliminate poverty by 2030. The NDP is grounded on six (6) pillars, which outlines objectives to be achieved by 2030 and the intended outcomes.

From the 13 outcomes, the NDA contributes towards seven (7):

- Outcome 1: Economy and Employment
- Outcome 4: Inclusive rural economy
- Outcome 7: Improving education, training and innovation
- Outcome 9: Social protection
- Outcome 11: Building a capable and developmental state
- Outcome 12: Fighting corruption
- Outcome 13: Nation-building and social cohesion

1.3 NDA Legislative Mandate

The NDA's mandate is derived from the National Development Agency Act, 1988 (Act No. 108 of 1998). In terms of the Act, the primary objective of the NDA is to contribute towards the eradication of poverty and its causes by granting funds to CSOs for the purposes of:

- (a) Carrying out projects or programmes aimed at meeting the development needs of poor communities; and
- (b) Strengthening the institutional capacity of other CSOs involved in direct service provision to poor communities.

The secondary objects of the NDA in terms of the Act are-

- (a) to promote-
 - (i) consultation, dialogue and sharing of development experience between CSOs and relevant organs of State; and
 - (ii) debate on policy development

(b) to undertake research and publication aimed at providing the basis for development policy.

2. CONTEXT

The secondary mandate of the NDA is conducting research and evaluation studies which are used as engagement tools between organs of state, civil society and the private sectors on debates to improve and enhance South African development policy landscape. Moreover, the outputs are used to inform program planning, implementation and management of NDA development Programs. The research and evaluation approaches and methodologies must be sound and credible for all the role players in the development policy discourse to rely on them in making policy decisions.

The Coronavirus outbreak has created an unpredictable crisis for South African citizens, businesses and society all over the country inclusive of cooperatives. The coronavirus pandemic is causing extensive loss of life and severe human suffering locally and globally. The coronavirus is a public health crisis, which caused a major economic, financial, social shock in the country. Cooperatives are community-based businesses with a dual nature: business enterprises on the one hand, and membership- based associations organised for collective action on the other. The situation that the country is currently facing is of concern for the development and economical contribution of cooperatives. The pandemic has affected the country and the pandemic has led governments to adopt measures shutting down some of the economic activities. The lockdown has affected mainstream economic divers such as tourism, travel, hospitality, entertainment and manufacturing industries. However, the situation calls for re-purposing the approach towards cooperatives to be active, taking action at all levels of the South African economy, local, national and international.

The President of the Republic of South Africa, announced the South African economic reconstruction and recovery plan as the country moved to level 1 of the COVID-19 state of emergency. He stated that in “in adversity so often comes opportunity. South Africa is now on the threshold of an important opportunity to imaginatively, and with a unity of purpose, reshape its economic landscape. The current conjuncture presents an opportunity to reset the South African economy. It is an opportunity to build a new, inclusive economy that benefits all South Africans. This is a moment for a permanent and decisive break with our past of low and declining growth, falling per capita incomes, low investment, as well as high and deeply entrenched levels of inequality, poverty and unemployment”. Cooperatives can play a meaning role in creating sustainable opportunities to re-shape the South African economy landscape.

As cooperatives are part of enterprises and operate as small businesses in South Africa, they are known to normally face difficult times more than large companies because they tend to be more vulnerable to economic shocks due to lack of access to resources to adapt to a rapidly changing environment. It is evident that COVID-19 has had an impact on cooperatives and other business as there has been an increase in unemployment, retrenchments and companies closing businesses. Cooperatives are and properly assess the social and economic impact within the cooperative movement.

Cooperatives are a type of business that can be considered unique in a way that they foster social cohesion as they largely depend on trust between members. These businesses are currently facing several challenges such as cash flow, a notable decrease of activities caused by the restrictions on movement put in place under the lockdown regulations, loss of incomes in line with these restrictions in various sectors. There are also some human resource constraints with employees at risk, especially those providing care services or working with consumers and cooperatives in agriculture, they experience interrupted flow of goods for their members and citizens. Furthermore, there is uncertainty regarding the future of employment in cooperatives as other businesses have already started retrenching employees.

It has been highlighted that there are several ways the coronavirus pandemic has affected the South African economy especially profit-making businesses inclusive of cooperative and their operations such as supply and demand. On the supply side, companies experience a reduction in the supply of labour, as workers are unwell or need to look after children or other dependents while schools are closed and the movement of people is restricted. Measures to contain the disease by lockdowns and quarantines lead to further and more severe drops in capacity utilization. Furthermore, the supply chain is interrupted leading to shortages of resources and goods.

3. PURPOSE AND KEY RESEARCH QUESTIONS

In the context of the above background, the purpose of this work is to conduct a research study on role and contribution of cooperatives during and post COVID-19 as a vehicle to jump-start and integrate the South African economic landscape to ensure sustainability and create more jobs for low-income population, thus drastically reducing unemployment.

The key research questions that the research must answer includes, but not limited to, are:

- i. What role and contributions has the cooperative sector made towards economic recovery and reform during COVID-19 period?
- ii. What are the main impediments for cooperatives to compete in the South African economy at legislative, policy and strategic approach levels during Covid-19 and lockdown regulations which are likely to continue post COVID-19 period if not addressed?
- iii. To what extent have these impediments affected cooperatives operations/livelihood and existence during the COVID-19 period?
- iv. What mechanisms should be put in place to strengthen the role of cooperatives as one of the main drivers of economic recovery and reconstruction plan in South Africa?
- v. What are the lessons learned by cooperatives, private sector and government in responding to the COVID-19 pandemic?
- vi. What role has government and private sectors play in supporting cooperatives in restoring the economy?
- vii. What are the recommendations from the research findings that can build a sustainable, resilient and inclusive economy?

The research findings will be used to inform platforms for engagement between the state, especially, the Department of Small Business, Department of Trade & Industry, Department of Economic Planning, leaders and structures of the Cooperatives movement in South Africa, Leaders and structures of the civil society, resulting in the development of appropriate policies, legislative frameworks, strategies and programmes to enhance the cooperatives sector capabilities to respond to its mandates and national mandate on development.

4. AIMS AND OBJECTIVES

The aim of the research is to generate empirical knowledge and information gathered from all role players in the economic reconstruction and recovery plan to inform policy and planning for South Africa. To promote debates and engagements between the civil society sector, government and private sector on responsive and effective operations and sustainability for the sector to contribute towards increasing economic participation of South Africans in the economic recovery plan. The specific objectives of the research are to:

- i. Understand the role and contributions by the cooperative sector towards economic recovery and reform during COVID-19 period.

- ii. Explore the main impediments for cooperatives to compete in the South African economy at legislative, policy and strategic approach levels during Covid-19 and lockdown regulations which are likely to continue post COVID-19 period if not addressed.
- iii. Examine the extent to which these impediments have affected cooperatives operations/livelihood and their existence during the COVID-19 period.
- iv. Identify mechanisms in strengthening the role of cooperatives as one of the main drivers of economic recovery and reconstruction plan in South Africa.
- v. Document and share the lessons learned by cooperatives, private sector and government in responding to the COVID-19 pandemic?
- vi. Understand the role of government and private sectors in supporting cooperatives towards restoring the economy?
- vii. Provide recommendations from the research findings that can build a sustainable, resilient and inclusive economy?

5. METHODOLOGY

The methodology to be used for this research must be able a mixed-methods (qualitative and quantitative) using appropriate tools to collect both primary and secondary data taking into account the dangers paused by COVID-19 during this period. The research instrument to be used in this study should be a combination of focus groups, structured questionnaires, in-depth interviews literature review (peer-reviewed and grey). The methodology must also seek to gather information from a range of stakeholders in this subject, which may include government (Departments – Small Business, Trade & Industry, Economic Development, and Social Development etc.), Cooperatives Structures, Private Sector, Civil Society and members of cooperatives businesses operating in South Africa. This may also include experts on cooperatives, economy, policy and political to inform the recommendations suitable for the South African context. The research proposal methodology amongst others, but not limited, must include:

- Description of data collection instruments to be used for different target subjects including the structure of instruments, purpose, data collection method – given we are in COVID-19 period, online and telephonic administration of data collection instruments is encouraged to limit the risks of transmission and infections;
- Literature and document review, thematic areas to be reviewed, specific issues to be analysed and how they fit in the key questions and objectives of the study;

- Analysis of legislation, policies, strategies and procedures locally and internationally that have been effective in promoting the cooperatives business sector;
- Data analyses methods to be used and presentation of data in the report, including cleaning and validation of data for this project.

Please take note of the following requirements on the sample sizes:

- The sample size required for the quantitative/questionnaire is a minimum of 380 respondents.
- A minimum of four (4) focus groups of between 6-12 participants per group (four is a minimum, however, the bidder can have more focus groups until there is data saturation)
- Interviews – A minimum of 45 interviews (5 interviews per province) NB. The bidder can have more interviews until no new interesting information/themes emerge.

It is important that the bidder is clear about (explain in detail not just list) the design of the mixed methods. If it is concurrent design (triangulation), exploratory design, explanatory or embedded design.

6. SCOPE OF WORK

The scope of work will cover the following key areas of the research, in line with the aim and objectives outline above:

- Review of published and unpublished literature as well as the relevant skills development legislation, policies and frameworks on the current state of cooperatives in the civil society sector, international experiences and best practice examples globally on how other countries are dealing with this research subject.
- Conduct interviews and discussions with key informants in the state (government) and the cooperatives sector, civil society sector, academics and experts relevant for the research topic. This will provide a better landscape of how key players view the state of South African cooperatives in providing quality services and business management in relation to Covid-19.
- Produce and provide a research report and a policy brief with discussions and recommendations on how South Africa can address cooperatives needs and requirements for the cooperative sector that can promote the sector contribution in dealing with economic, social, and developmental challenges facing the country.
- Produce and present the final research report to the NDA to be used for engagement with all the stakeholders of the civil society sector.

- Participate and lead in the national debate in different forum to be organised by the NDA on this research topic
- Produce and present a policy paper derived from the study that will inform policy debated on the subject of Cooperatives

7. SKILLS AND EXPERIENCE REQUIRED OF SERVICE PROVIDER

- The service provider must have members of the research team with proven experience and expertise in business management & development, cooperatives business, economics, enterprise development, community development, and organisational development in general and also to the civil society sector in specific.
- The service provider must have proven experience and expertise in conducting research studies and policy analysis studies that informs policy development, legislative frameworks in relation to skills development and capacity building.
- The service provider must demonstrate competency and sufficient capacity of personnel to carry out this assignment within the stated period (Submit Project Team Members, with clear identified Team Leader, profile indicating qualifications, experience, qualitative and quantitative data analysis, research studies where each member participated);
- The service provider must submit at least 2 copies of previous research studies conducted and references from previous clients.

8. DELIVERABLES

- A draft report to be presented to the NDA Research Unit team for inputs and engagements as part of preparation for the final report;
- A final research Report to the NDA Research Unit – the research report must be not less than 70 pages (excluding the cover page, table of contents and references) on a 1.5 spaced lines, Font type and size - Arial 12. References must use must use Harvard style of referencing. List references in alphabetical order of first author (see below citation example).
- A policy discussion paper based on the study covering key contextual, findings and discussion issues to be used for engagements with the state and civil society sector debates platforms – this paper must be between 10-15 pages.
- Participate and lead national debates in different forum to be organised by the NDA on this research topic

Citation Example: Abraham, J. & Subrahmanian, C. (1998) Barriers towards the implementation/utilization of HIV counselling services. Paper presented at XII International Conference on AIDS, Geneva, Switzerland.

9. PROJECT TIME FRAME

- The project must be completed within 6 months from the date of signing the contract;
- A detailed work plan indicating time frames should be provided with the proposal based on the functional areas and activities in the scope of work;
- Progress will be monitored based on the work plan and timeframes provided by the service provider.

10. CRITERIA FOR EVALUATING FUNCTIONALITY

DESCRIPTION	WEIGHT
<p>Past Experience: This refers to the experience of the bidder to undertake the scope of work involved in this bid.</p> <p>(a) Provide a description of projects similar in scope to this bid carried out in the last five years. The focus should be on any work done in the research environment, and the role of the staff involved in the bid must be specified. Copies of two (2) research reports of previous research studies conducted in the area of cooperatives, small business or any other civil society related research work. <i>Failure to attach copies of previous research reports will lead to a score of zero.</i></p> <p>b) Two reference letters of previous research work done in the area of cooperatives, small business or any other Civil society related work in the past 5 years. The reference letters must be in the client letterhead with contactable details, signed by the client, detailing the title of the research, its objectives, type of the research (quantitative, qualitative or mixed) and the duration of the study. <i>Failure to adhere to the requirements in this section will lead to a score of zero</i></p> <p>c) Provide description of any two-policy dialogues/engagements/dissemination sessions done in the past five years. Two reference letters on a client</p>	<p>10</p> <p>6</p> <p>4</p>

letterhead, detailing the scope of work, the year, contactable details and signed. <i>Failure to adhere to the requirements outlined in this section will lead to a score of zero.</i>	
<i>Proposed approach and technical merit of the proposal:</i>	
d) Extent to which the proposal addresses the specific brief for the services required (addressing key research questions and the role of the research team allocated for this exercise specified in an organogram) NB: The organogram should indicate the names of each team member and their position/role in this research <i>(14 points will be allocated to the properly defined proposal addressing all the research questions of the study; 2 points will be allocated to a clearly defined organogram) Failure to adhere to the requirements in this section will lead to a score of zero</i>	16
e) Clearly defined research design/plan and methods to answer the research questions. <i>(Research strategy- 4 points, –Data collection techniques -4 points, Data Analysis – 6 points)</i> <i>Failure to clearly define and outline the research design and methods will lead to a score of zero.</i>	14
f) Clearly research report structure that will be submitted to the NDA. <i>Failure to outline the research report structure will lead to a score of zero.</i>	5
g) Clearly defined work plan chart and Timeline with specific activities/tasks	10
h) Clearly defined process on how the bidder will provide feedback to the NDA on timely progress of the study deliverables.	5

Team Capacity:	
The Bidder should demonstrate the capacity of the team to carry out the work required in this Bid.	
i) The Lead researcher must have master's degree in Business studies, Economic Policy, Social Sciences, Development Policy or any other related fields Certified Qualifications should be attached. <i>Failure to attach qualifications will lead to a score of zero.</i>	10
j) The lead researcher should possess a minimum of 10 years' experience in conducting research studies and policy analysis must be clearly indicated in the curriculum vitae. <i>Failure to indicate such experience will lead to a score of zero.</i>	5
k) A minimum of three Researchers with an Honours degree in business studies, Economic studies, social Sciences, Development studies or any other related fields. Certified copies of qualifications must be attached. <i>Failure to adhere to the minimum requirements of this section will lead to a score of zero.</i>	9
l) A minimum of 5 years' experience for each of the three researchers in conducting research studies and policy analysis, including skills in data analysis instruments is required. All the research related experience must be clearly indicated in the CVs for each researcher. <i>Failure to attach CVs and indicate relevant research experience in this requirement will lead to a score of zero</i>	6
Total score	100
Minimum qualifying score	80

Note: Bidders who score less than 80% on technical/functionality evaluation will not be evaluated further.

11. COMMERCIAL EVALUATION

11.1. Bids will be evaluated in accordance with the Preferential Procurement Regulations, 2017, using the 80/20 preference points system as prescribed in the Preferential Procurement Policy Framework Act (PPPFA, Act 5 of 2000). The lowest acceptable bid will score 80 points for price and maximum of 20 points will be awarded for attaining the Broad-Based Black Economic Empowerment (B-BBEE) status level of contribution.

11.2. The bid proposals received will be evaluated in two (2) phases. On the first phase bids will be evaluated on functionality and on the second phase in accordance with the 80/20 preference points system respectively.

11.3. Bid proposal must score a minimum of eighty (80) points or more out of hundred (100) points on functionality in order to qualify for advancement to the next phase of evaluation. Second phase, a bid proposal scoring less than 80 out of 100 will not be considered for further evaluation and will be disqualified.

11.4. Phase two: During this phase, bid proposals that passed the first phase will be further evaluated based on the 80/20 preference points system in accordance with the PPPFA Act, where 80 points will be attained in respect of price (the lowest acceptable bid will score 80 points and bidders that quoted higher prices will score lower points for price on a pro-rata basis) and 20 points will be awarded for attaining the Broad-Based Economic Empowerment (B-BBEE) status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4

8	2
Non-compliant contributor	0

11.5. In order to claim the B-BBEE Status Level of Contributor, bidders must submit Sworn Affidavits or original and valid B-BBEE Status Level Verification Certificates or certified copies thereof, issued by accredited Verification Agencies such as SANAS or Registered Auditor approved by the IRBA together with their bids, to substantiate their B-BBEE claims. Exempted Micro Enterprises must submit a letter from the Accounting Officer who is appointed in terms of the Close Corporation Act.

11.6. Bidders who do not submit B-BBEE Status Level Verification Certificate or are non-compliant contributors to B-BBEE do not qualify for preference points for B-BBEE, but will not be disqualified from the bidding process. They will score points out of 80 for price only and zero (0) points out of 20 for B-BBEE.

11.7. Bidders are requested to complete the preference claim form (SBD 6.1) in order to claim preference points.

11.8. The highest ranked bidder will be awarded the bid. It should be noted also that the NDA reserves the right not to appoint any service provider and no service provider will be reimbursed for any costs incurred whilst participating in this bid.

12. PRICING

- 12.1** Service providers must give a detailed cost breakdown for all applicable costs e.g. Initial setup costs, Escalation costs and any other additional charges.
- 12.2** Service providers must indicate if their prices will be fixed and firm for the duration of the proposed contract period, if not, the proposed escalations should be clearly indicated on the proposal/quotation. All prices submitted must be inclusive of VAT.
- 12.3** Service Providers must ensure that the quotes submitted have no arithmetic errors as NDA will not rectify any errors and no adjustments to quotations received will be permitted after the closing date. The quotes should include all activities/services that will be required for the required services as no variations will be accepted unless mutually agreed by NDA and the service provider prior to contract acceptance.
- 12.4** Service providers will carry the responsibility of ensuring that the proposals submitted have been signed by a dully authorised person. Should it be established after the submission of proposals that the signatory authorising the proposal is not legally

appointed by the service provider, the offer/proposal will be disqualified from the evaluation process.

- 12.5 All prices submitted should be typed in black ink or written in pen. No proposals written in pencil will be accepted or evaluated. Prices must show the total bid amount with vat included.

13. NDA PAYMENT TERMS

Invoices will be paid 30-days from the date of submission.

14. MANDATORY DOCUMENTS

- 14.1 Price offer.
- 14.2 Valid Tax Clearance Certificate issued by the South African Revenue Services (SARS) --- SARS tax pin and compliant CSD Report.
- 14.3 A letter/resolution authorising the person signing the bid documents and contracts.
- 14.4 Company registration documents (CIPC).
- 14.5 Certified Sworn Affidavits or BEE verification certificate (Issued by an approved verification agency).
- 14.6 Completed and signed SBD documents.
- 14.7 ID copies of directors

Failure to submit the above requirements with the bid document will lead to the disqualification. There will be no disqualification for none submission of a BEE certificate/sworn affidavit but service providers who do not submit will be scored zero (0) points for B-BBEE.

15. CENTRAL SUPPLIER DATABASE

- 15.1 The NDA will not appoint any supplier who is not registered as a prospective supplier on the central supplier database as required in terms of National Treasury Circular No. 3 of 2015/2016 and National Treasury SCM Instruction note 4 of 2016/2017

16. OTHER CONDITIONS

- 16.1 The Agency reserves the right not to accept the lowest bid during the bidding process.
- 16.2 The Agency reserves the right to return late bid submissions unopened.

16.3. The Agency reserves the right to cancel or not to award the bid to any supplier and participating service providers will not be reimbursed for expenses incurred while participating in the bid process.

16.4. The bid documents will be valid for 150-days from the date of submission. No regret letters will be issued to any participating service providers. The successful service provider will be announce on the NDA website and on the National Treasury's Tender E-Portal.

17. TENDER VALIDITY

All submitted bids must be valid for 150-days from date of submission.

18. CONTRACTING

18.1. Upon the finalization of the tender evaluation process, NDA's legal department shall sign the service level agreement.

18.2. All discussions and negotiations regarding the contents of the service level agreement shall be done with NDA's legal department.

19. DISCLAIMER

19.1 If a bidder finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in the bid or any other information provided by the NDA (other than minor clerical matters), the bidder must promptly notify NDA in writing of such discrepancy, ambiguity, error or inconsistency in order to afford the NDA an opportunity to consider what corrective action is necessary (if any).

19.2. Any actual discrepancy, ambiguity, error or inconsistency in this bid or any other information provided by the NDA will, if possible, be corrected and provided to all bidders without attribution to the bidder who provided the written notice.

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/PUBLIC ENTITY)					
BID NUMBER:	NDA08/DMR02/20	CLOSING DATE: 22 nd FEBRUARY 2021		CLOSING TIME:	12H00
DESCRIPTION	RESEARCH ON THE ROLE AND CONTRIBUTION OF COOPERATIVES TOWARDS THE SOUTH AFRICAN ECONOMIC RECONSTRUCTION AND RECOVERY PLAN				
	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	Muzi Matsenjwa		CONTACT PERSON	Nthabiseng Kraai	
TELEPHONE NUMBER	011 018-5546/5562		TELEPHONE NUMBER	011 018 5507	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	MuziM@nda.org.za		E-MAIL ADDRESS	nthabisengK@nda.org.za	
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:

TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

- 1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.
- 6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.



Application for a Tax Clearance Certificate

Purpose

Select the applicable option Tenders Good standing

If "Good standing", please state the purpose of this application

Two empty text boxes for stating the purpose of the application.

Particulars of applicant

Name/Legal name (Initials & Surname or registered name) [Grid]

Trading name (if applicable) [Grid]

ID/Passport no [Grid] Company/Close Corp. registered no [Grid]

Income Tax ref no [Grid] PAYE ref no 7 [Grid]

VAT registration no 4 [Grid] SDL ref no L [Grid]

Customs code [Grid] UIF ref no U [Grid]

Telephone no [Grid] Fax no [Grid]

E-mail address [Grid]

Physical address [Grid]

Postal address [Grid]

Particulars of representative (Public Officer/Trustee/Partner)

Surname [Grid]

First names [Grid]

ID/Passport no [Grid] Income Tax ref no [Grid]

Telephone no [Grid] Fax no [Grid]

E-mail address [Grid]

Physical address [Grid]

Particulars of tender (If applicable)

Tender number

Estimated Tender amount R

Expected duration of the tender year(s)

Particulars of the 3 largest contracts previously awarded

Date started	Date finalised	Principal	Contact person	Telephone number	Amount

Audit

Are you currently aware of any Audit investigation against you/the company? YES NO

If "YES" provide details

Appointment of representative/agent (Power of Attorney)

I the undersigned confirm that I require a Tax Clearance Certificate in respect of Tenders or Goodstanding.

I hereby authorise and instruct to apply to and receive from SARS the applicable Tax Clearance Certificate on my/our behalf.

Signature of representative/agent - -

Name of representative/agent

Declaration

I declare that the information furnished in this application as well as any supporting documents is true and correct in every respect.

Signature of applicant/Public Officer - -

Name of applicant/Public Officer

Notes:

- It is a serious offence to make a false declaration.
- Section 75 of the Income Tax Act, 1962, states: Any person who
 - fails or neglects to furnish, file or submit any return or document as and when required by or under this Act; or
 - without just cause shown by him, refuses or neglects to-
 - furnish, produce or make available any information, documents or things;
 - reply to or answer truly and fully, any questions put to him ...
 As and when required in terms of this Act ... shall be guilty of an offence ...
- SARS will, under no circumstances, issue a Tax Clearance Certificate unless this form is completed in full.**
- Your Tax Clearance Certificate will only be issued on presentation of your South African Identity Document or Passport (Foreigners only) as applicable.



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.....

Bid No.:

Name of Bidder:

..... R.....

TOTAL: R.....

** "all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance 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.

*[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:



SBD 4

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.

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 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**

2.9.1 If so, furnish particulars.

.....

2.10 Are you, or any person connected with the bidder, 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?

YES/NO

2.10.1 If so, furnish particulars.

.....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES/NO

2.11.1 If so, furnish particulars:

.....

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

Full Name	Identity Number	Personal Reference Number	Tax Number	State Number / Number	Employee Pearsal Number

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

**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.

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 last 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		

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



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 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>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.1.1	If so, furnish particulars:		

4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js365bW



SBD 9

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 consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

- (a) prices;
- (b) geographical area where product or service will be rendered (market allocation)
- (c) methods, factors or formulas used to calculate prices;
- (d) the intention or decision to submit or not to submit, a bid;
- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
- (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js914w 2