



**TERMS OF REFERENCE
FOR
THE CONSTRUCTION OF SIX EARLY CHILD DEVELOPMENT (ECD) CENTRES
IN MPUMALANGA**

BID NUMBER: NDA12/DMD09/15

**CLOSING DATE: 13 April 2015
CLOSING TIME: 14H00**

SUBMISSION OF PROPOSALS

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

Service providers outside of Gauteng are advised to send their documents by courier as no documents submitted to NDAs provincial offices will be accepted.

Submissions must be strictly submitted inside the tender box which is at the main entrance and accessible 24/7.

The supplier's envelope/s **MUST** clearly have the description of the RFQ "**The Construction of Six Early Child Development Centres in Mpumalanga**"

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 5.5 of this document.

Technical Envelope

This envelope must contain all info listed in section 5.7 of this document.

**Contact person is: Ms Khanyi Mngomezulu can also be contacted on;
011 018-5518 / 079 126-9278 between 08h30 to 17h00 on weekdays. Queries can also be sent
in writing to tenders@nda.org.za**

COMPULSORY BRIEFING SESSIONS HAVE BEEN SCHEDULED AS FOLLOWS:

Monday, 16 February 2015

Dr. J.S. Moroka Local Municipality , ERF 0003 Maphanga Village (formerly Allenmansdrift C) next to
Kwa Manala High School
Time: 10h00

Monday, 16 February 2015

Thembisile Hani Local Municipality, ERF 1776 Verena D
Time: 14h00

Tuesday, 17 February 2015

Stand Number 531 Ntshuxeko Primary School near Nazarene Revival church in Mkhuhlu Bushbuckridge.
Time: 10h00

Tuesday, 17 February 2015

Section C 21 Mananga village, Nkomazi
Time: 15h00

Wednesday, 18 February 2015

Department of Social Development Office, Emjindini Township, I Berbeton
Time: 09h00

Wednesday, 18 February 2015

Albert Luthuli Municipality: Don-Donuld at Glenmore, next to Thembelani Primary School adjacent to the sport ground.
Time: 14h00

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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.

Our mission

Facilitate sustainable development by strengthening civil society organizations involved in poverty eradication through enhanced grant funding and research.

Our vision

A society free from poverty.

Our values

- Integrity
- Dignity
- Empowerment
- Accountability & Responsibility
- Transparency
- Excellence
- Partnering

1. BACKGROUND

The South African government has, since 1994, prioritised early childhood development (ECD) as an integral part of addressing the legacy of apartheid education policies. Early Childhood Development has been recognised as one of the most powerful tools of breaking the intergenerational cycle of poverty in South Africa. The National Development Agency and the Department of Social Development are currently partnering for implementing programmes on ECDs in Mpumalanga.

The Parties have agreed to develop synergies that may flow from their joint co-operation in respect of the ECD Programme for delivery towards the Government priority of Education.

2. PURPOSE OF THE RFQ

The purpose of this RFQ is to invite construction service providers in the Mpumalanga province, to bid for the construction of six early child development centres in the Mpumalanga Province.

3. SCOPE OF WORK

The construction of an Early Child Development centre in the Mpumalanga. Drawings and copies of the BoQ will be provided at the briefing sessions.

3.1 Health & Safety

Participating service providers must have a safety plan for the project.

Protective clothing must be provided to the construction workers.

Failure by the service provider to adhere to the safety Act, will result in immediate termination of the contract.

4. TIMEFRAMES

The construction must be completed within 4-months from the time of appointment of service provider. The final project plan will be drawn up between NDA and the appointed services provider however, proposed project plans must be submitted together with the bid documents.

5. COMMERCIAL TERMS

5.1 Pricing

5.1.1 Prices submitted must be fixed and firm. No price adjustments will be allowed after the submission of quotations. All prices submitted must be inclusive of VAT. A contingency not exceeding 20% of the total contract value will be allowed.

5.1.2 Service providers must ensure that the quotes submitted have no arithmetic errors as NDA will not rectify any errors on the quotations received. The quotes should include all activities/services that will be required for the required services as no variations will be accepted unless mutually agreed to by NDA and the appointed service provider prior to contract acceptance.

5.1.3 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.

5.1.4 All prices submitted should be typed in black ink or written in pen. No proposals written in pencil will be accepted or evaluated.

5.2 NDA Payment Terms

5.2.1 Invoices will be paid 15-days from the date of submission.

5.2.2 A payment schedule will be agreed to by NDA and the appointed service provider which will determined the payment stages for every phase of the construction.

5.2.3 Payment can only be done upon receipt of a valid invoice, a payment schedule signed by the NDA project Manager and the service provider and a municipal report.

5.3 Evaluation Criteria (Commercial)

5.3.1 Bids received will be evaluated and scored according to the 90/10 calculation criteria.

5.3.2 Bidders participating as joint ventures must submit BEE certificates reflecting the BEE rating of the joint venture. Individual BEE certificate for JVs will score a zero (0) for the BEE portion of the evaluation.

5.3.3 Supplier's lead times will be considered when evaluating; i.e. favourable lead times will be given preference.

5.4 Acceptance of Bids

5.4.1 The NDA reserves the right to accept or not to accept any of the proposals and participating service providers will not be reimbursed for expenses incurred for participating in the RFQ process.

5.4.2 NDA reserves the right to appoint one or various service providers for the construction of these ECD centres.

5.4.3 Successful bidders will be notified in writing by NDA.

5.4.4 Should you not hear from NDA 90-days from the proposal submission date, it will mean that your proposal was not successful. The successful service provider will be announced on the NDA website.

5.4.5 No binding contract or other understanding for rendering the required services will exist between the NDA and any bidder unless and until the Agency has executed a formal written appointment/Purchase Order with the successful bidder.

5.5 Mandatory Documents

- Original and valid SARS issued Tax clearance certificate.
- CIDB certificate (grade 3GB or 2GB PE)
- Bank letter or cancelled cheque.
- Completed and signed NDA Supplier registration form.
- Company registration documents (CIPC) / Certificate of registration
- BEE verification certificate (Issued by SANAS or approved verification agency)
- All participating Service Providers must complete, sign and return ALL the attached
- SBD4, SBD 6.1, SBD8 and SBD 9

5.6 Project Management

NDA will appoint a CLO to manage the project and the CLO will be responsible for submitting reports to the municipality for approval per stage completed in the construction.

5.7 Technical Evaluation Criterion

Technical evaluation will be based on the following criteria and calculations:

Category	Description	Weight
CIDB grade 3 GB or 2 GB PE	A copy of a CIDB certificate	60
Detailed References	Three reference documents, written and signed by the service provider's previous and current clients indicating: <ul style="list-style-type: none">• Project description (Scope of Works)• Project duration• Completion status	25
Residential location	Service providers must submit evidence of presence in the Mpumalanga province (e.g. utility bill, Telkom statement, etc)	15
TOTAL		100

5.7.1 Clarification of the above score system

- If a service provider has the required minimum CIDB grading, they will score the full 60 mark and a zero for not meeting the minimum requirement and this will lead to immediate disqualification. Should a service provider have certification exceeding NDA's minimum CIDB requirement for this bid, it will also be scored the full mark of 60.
- The reference letters submitted MUST be written, on the referee's letterhead, with full details of the project executed by the service provider, project duration and project status. Contact details of the referee must also be provided. Service providers who submit three written and verifiable references will obtain the full 25 marks.

- Should a service provider fail to submit the required minimum of three written and verifiable references, they will score a zero but will not be disqualified from the bidding process.
- Evidence that the service provider resides in the Mpumalanga province must be submitted as it is the intension of the NDA and the Department of Social Development to appoint service providers from the Mpumalanga province in the designated CRDP areas. Service providers residing in Mpumalanga will obtain the full 15 marks whilst service providers from outside the Mpumalanga Province will be immediately disqualified from the bidding process.

6. CONTRACT AWARD

Following an evaluation and adjudication process, NDA will appoint the successful service provider. The NDA legal department will draw up a SLA which will outline the conditions of the contract with NDA.

7. DISCLAIMER

- 7.1 Whilst all due care has been taken in connection with the preparation of this RFQ, the NDA makes no representations or warranties that the content in this RFQ or any information communicated to or provided to bidders during the bidding process is, or will be, accurate, current or complete. The NDA, and its officers, employees and advisors will not be liable with respect to any information communicated which is not accurate, current or complete.
- 7.2 If a bidder finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in the RFQ 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).
- 7.3 Any actual discrepancy, ambiguity, error or inconsistency in this RFQ 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.
- 7.4 No representations made by or on behalf of NDA in relation to this RFQ will be binding on the NDA unless that representation is expressly incorporated into the contract ultimately entered into between NDA and the successful bidder.

8. ADDITIONS AND AMENDMENTS TO THE RFQ

- 8.1 The NDA reserves the right to change any information in, or to issue any addendum to this RFQ before the closing date and time. The NDA and its officers, employees and advisors will not be liable in connection with either the exercise of, or failure to exercise this right.

- 8.2 If the NDA exercises its right to change information in terms of clause 8.1 all amendments will be posted on the NDA website and participating bidders will have the responsibility to regularly monitor the NDA website to ensure access to such changes.
- 8.3 The NDA will immediately disqualify a bidder from the bidding process if the bidder fails to notify the NDA of the conflict as required.



SBD 6.1

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

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, 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 R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the.....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.

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

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

1.4 Failure on the part of a bidder to fill in and/or to sign this form and 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 an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5 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

2.1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

- 2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 **“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;
- 2.4 **“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;
- 2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **“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;
- 2.7 **“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;
- 2.8 **“contract”** Error! Bookmark not defined. means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **“EME”** means any enterprise with an annual total revenue of R5 million or less .
- 2.10 **“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;
- 2.11 **“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;
- 2.12 **“non-firm prices”** means all prices other than “firm” prices;
- 2.13 **“person”** includes a juristic person;
- 2.14 **“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;
- 2.15 **“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;
- 2.16 **“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;
- 2.17 **“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
- 2.18 **“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 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

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	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

5.3 Bidders other than EMEs 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 1.3.1.2 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 an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

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? YES / NO (delete which is not applicable)

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 BIDDER(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 Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury’s website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		

4.2	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



**PREFERRED SUPPLIER DATABASE FORM FOR LISTING OF SERVICE
PROVIDERS/SUPPLIERS ON THE NDA
SUPPLIER DATABASE**

This is an application to be accredited for registration on NDA's Preferred Supplier Database for the provision of various services. Kindly complete all the relevant sections and submit this form, the signed declaration and the required supporting documentation to NDA as indicated. Incomplete submission may result in the unsuccessful accreditation of your application. NDA commits to treating all supplier information strictly confidential.

Section A

BUSINESS DETAILS			
Registered Company Name			
Trading Name			
TYPE OF COMPANY (Tick applicable box)			
Close Corporation	<input type="checkbox"/>	Private Company (Pty) Ltd	<input type="checkbox"/>
Public Company (Limited)	<input type="checkbox"/>	Sole Trader	<input type="checkbox"/>
		Professional Service Provider	<input type="checkbox"/>
		Other	<input type="checkbox"/>
ADDRESS			
Physical Address		Postal Address	
			Code:
Province			
COMPANY REGISTRATION			
Business Registration number		VAT nr (if applicable)	
Tax number for business		COID	
PAYE			
BANKING DETAILS			
Institution		Account Holder's name	
Branch code		Account number	
CONTACT PERSON FOR THE BUSINESS			
Main contact person		Mobile number	
Telephone number		Fax number	
Email address		Website address	
CONTACT PERSON FOR ACCOUNTS			
Main contact person		Telephone number	
Email address		Mobile number	

Section B

ADDITIONAL INFORMATION (supporting documentation to be attached)				
Membership to Professional Institutions or Statutory bodies (e.g. NHBRC, IATA)				
National/International certification for quality standards (e.g. SAB/ISO)				
Do you have a Human Resources Policy that complies with the SA Labour Relations Act?				
Is the Enterprise registered with a SETA? If so, which one?				
Does your Enterprise comply with the Occupational Health & Safety Act? Provide relevant certification				
Do you have an Environmental Policy?				
Does your Enterprise comply with the Occupational Health & Safety Act?				
Has the Enterprise ever been declared insolvent? If so, please provide detailed reasons				
TRADE REFERENCES (Please provide current, traceable trade references of your clients/customers)				
Company Name	Contact Person	Telephone number	Email address	Length of Relationship
NB: Please note that the NDA will conduct clearance checks with the National Treasury's Restricted Suppliers Database for compliance purposes. Suppliers/Service providers blacklisted by the National Treasury will NOT be approved for registration onto the NDA supplier database.				

The following Definitions apply in this document:

Black	African-, Coloured- and Asian people who are permanent South African citizens.			
Black- Empowered Enterprise	An Enterprise that is more than 25% owned by black people and where substantial participation control is vested in black people.			
Black ownership	An Enterprise that is more than 50% owned and controlled by black people.			
Black Small Enterprises	A Small or Medium Enterprise with a turnover ranging from R 500,000 per annum to R 20million per annum which is a black company or a black empowered company.			
Black woman owned Enterprise	An Enterprise that is more than 30% owned by black women, and where substantial participation in control is vested in black women			
HDI	<p>HDI Historically Disadvantaged Individuals (HDI) means a South African citizen –</p> <ul style="list-style-type: none"> o Who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act 110 of 1983) or the Constitution of the RSA , 1993 (Act No 200 of 1993) ("the interim Constitution") and / or o Who is female; and / or o Who has a disability; <p>A person who obtained South African citizenship on or after the coming to effect of the Interim Constitution, is deemed not to be an HDI;</p>			
Youth	Persons of the age between 18 and 35 both inclusive.			
Youth owned Enterprise	An Enterprise owned by Youth			
INDIVIDUAL OWNERSHIP				
Surname	Full Names	Identity Number	Gender	% Ownership
HDI:	Yes No	Youth	Yes No	Tax Ref number

(ID copy and Tax certificate to be attached by individual owners)

Section C

PRODUCT(S) OR SERVICE(S) OFFERED (Please tick services/products relevant to your organisation)

Access Control	Marketing and Branding	
Accommodation	Mobile learning	
Air Condition Suppliers and Maintenance	Mobile Restrooms	
Assessment Agencies (CPP, GRTA,15FQ)	Monitoring and Evaluation	
Attorneys	Motivational/Inspirational Speakers	
Advertising	Mentoring	
Assessors and Moderators	Off Site Documents storage	
Building Maintenance	Office Furniture supplier	
Bulk SMS services	Office Stationery	
Building Maintenance	Office Plants (Supply and Maintenance)	
Catering Services	OHS service providers	
CCTV Installers and Maintenance	Payroll Systems	
Cleaning Services	Performance Consultancy services	
Conference facilities	Pest Control	
Construction Tools	Photographers and Video services	
Content Development	Plumbing	
Corporate Governance Training	Promotional Material printing	
Courier Services	Project Management	
Consultants	Protective Clothing	
Due Diligence	Paper recycling services	
Documents Editing	Recruitment Agencies	
Electrical Services	Reference Check/Vetting services	
Events Management	Risk Management and Auditing	
Facilitations of Bargaining Forums	Report Writers	
Educational Toys	Research	
Facilities/Handy Man/Locksmith	Security (armed response and monitoring)	
Facilitators/Trainers	Sound and stage systems	
Fire Extinguishers and Maintenance	Space design services	
First Aid Kit suppliers	Signage	
Furniture Removal Services	Training and Development	
Furniture for Early Child Development centres	Transcripts and Recording	
Graphic Designers	Transport and Shuttle services	
Hygiene services and consumables	Turnkey Interior Designers services	
IT Supports (hardware and software)	Translating services	
Labour lawyers	Water Coolers (Mineral water supply)	
Labour Relations	Other:	
Leadership development		

TERMS OF THIS APPLICATION

1. Incomplete, false or misrepresented information may result in the unsuccessful accreditation of this application.
2. Procurement or contracts awarded by NDA based on false, fraudulent and misrepresented information of the service provider or supplier may lead to the Enterprise, its shareholders and directors being restricted from obtaining business from any entity of the Government for a period not exceeding 10 years, in terms of the Preferential Procurement Regulations of 2001.
3. NDA reserves the right to verify any of the representations or references made in this application form.
4. Additional information can be requested by NDA during its evaluation and accreditation process.
5. NDA adopts a Zero Tolerance Policy on fraudulent and corrupt practices, investigating every reported case and followed up by the application of all remedies available to the Fund within the full extent of the law.
6. Accreditation of bidders on the NDA Preferred Supplier Database will be awarded on the absolute discretion of NDA, but in accordance with internal policies and statutory regulations governing NDA, and no correspondence will be entered into.
7. Listing on the Database does not guarantee procurement, but rather an opportunity to be invited to quote or bid when the need arises at NDA.
8. Applicants wishing to confirm the status of their registration onto the NDA database must contact the NDA Supply Chain Management office; 0110185500.
9. NDA reserves the right to remove any accredited supplier from the Database for whatever reason.
10. Registered service providers must submit their valid tax clearance certificates to the NDA annually. Failure to update this info may result in removal from the database and no correspondence shall be entered into.

Section D

PLEASE ENCLOSE THE FOLLOWING COMPULSORY DOCUMENTS WITH YOUR APPLICATION

1. Company Registration document (CIPC)
2. ID Documents of directors/owners/members/ shareholders
3. Health Certificate / Certificate of Acceptability of Food Premises for Catering Companies
4. Valid TAX Clearance Certificate (original document)
5. Company Profile / Corporate Brochure
6. Original cancelled cheque or Bank Certificate verifying the banking details. (Please note that any changes to bank details in future will be subject to the same requirement)
7. BBEEE Verification Certificate issued by SANAS approved verification Agencies

Tick

The following documents must be available on request:

- Shareholders / Association / Partnership Agreement, Memorandum and/ or Articles of Association.
- Registration to Professional Institutions / Statutory Bodies.
- Share Certificates.
- Audited financial statements.

CONDITIONS OF PURCHASE	
Damaged goods	The Seller shall bear the risk of goods being damaged, lost or destroyed until delivery to the NDA address specified on the Purchase Order is effected and receipt thereof acknowledged by NDA.
Packing & Preservation	The Seller shall make provision for suitable packing and preservation in all quotations. Unless otherwise stated all packing containers and packing material shall become the property of the NDA upon delivery.
Quality of Goods	Unless otherwise stated, all goods shall be new and of the best quality Goods shall be subject to approval by the NDA at all times. The Seller shall not be released from its obligations in respect of suitability of the materials and/or the quality of the goods by reason of the fact that the NDA made no objection, even though the said goods may have been inspected by the NDA or by reason of the fact that delivery thereof was taken by or on behalf of the NDA.
Failure to Deliver	Should the Seller be unable to fulfill its obligations in terms of the order, it shall advise the NDA to this effect in writing, in which case the NDA reserves the right to cancel the order and to purchase the goods from another supplier. The Seller may be obliged to compensate the NDA for any differences in cost.
Liability	Inasmuch as delivery of the goods may require the Seller or its authorized agent to enter the NDA premises, the Seller shall ensure that such precautions, necessary to protect life and property anywhere on the NDA premises are taken and the Seller shall be liable to the NDA for injury to any person or damage to NDA property caused by or incidental upon negligence or default on the part of the Seller or its authorized agent.
NDA Order Number	NDA's order number must appear on the delivery note and invoice. Any invoices and delivery notes without an order number will be ignored and returned to your company. Invoices without order numbers are seen as private agreements with individuals.
Purchase Order Alterations	No alterations to this order may be made without the written approval of the Supply Chain Management (NDA)
Part Deliveries	Part deliveries will be accepted only under exceptional circumstances. Payment thereof will be made only when ALL goods/services have been delivered.
Cancellations	NDA reserves the right to cancel any order in the event where the goods or services are not delivered by the agreed date at the agreed address.
Supplier Registration Form	It is a firm NDA requirement that all prospective vendors must complete a Supplier Application Form in full with all required attachments to be registered on its database
Deliveries	No deliveries will be accepted outside delivery hours, unless prior arrangements are made with relevant individual.
	Should the Seller accept the order, or should the order not be returned within 10-days of the date thereof, it shall be assumed that the conditions as set out in the paragraphs above are binding.
Payment Terms	30-days from the date of the statement.
Invoices	All invoices must be forwarded to the applicable address below: 2 nd Floor Grosvenor Corner 195 Jan Smuts Avenue Parktown North 2193 NDA Head Office Finance Department Creditors Section P.O. Box 31959 Braamfontein 2017

DECLARATION			
I /We the undersigned, hereby certify that the information, representations and documents attached to this application is true and correct at the time of completion, and that I / We are duly authorized to furnish this application on behalf of the Enterprise:			
Signature		Date	
Full names		Designation	
Does the Enterprise or any of the shareholders/Members, Directors or Management have any relationship with any Directors, Management or Staff of NDA? If so, list names of NDA Personnel and state the nature of the relationship.	YES		NO
	Name of NDA employee		Nature of relationship
Company Stamp			

NOTE: If there are any changes to the information supplied on this form please inform the NDA Supply Chain Management as soon as possible. Outdated information could lead to your company not being invited for tender or not receiving correct payment.

Upon completion, this application form can be submitted at any of the following addresses:

PO Box 3195
Braamfontein
2193

or

26 Wellington Road
Parktown, Johannesburg
Attention: Supply Chain Management

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 / personal 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) (b) any municipality or municipal entity;
- c) (c) provincial legislature;
- d) (d) national Assembly or the national Council of provinces; or
- e) (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 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/ trustees/shareholders 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:

.....
.....



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, **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 Reference Number	Tax Number	State Number / Number	Employee / Persal 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