

## REQUEST FOR TENDERS

The National Development Agency invites tenders for the following:



BID NO.	BID DESCRIPTION	EVALUATION CRITERIA	CLOSING DATE
NDA18/IT13/16	APPOINTMENT OF A SERVICE PROVIDER FOR THE DEVELOPMENT OF A MASTER SYSTEM PLAN (ENTERPRISE ARCHITECTURE) FOR NATIONAL DEVELOPMENT AGENCY	90/10	25 October 2016 at 11:00

### REQUIRED BY:

National Development Agency

### BID DOCUMENTS ARE AVAILABLE AT:

The National Development Agency NDA website ([www.nda.org.za](http://www.nda.org.za))

### BRIEFING SESSION:

A compulsory briefing session will be held at: NDA Boardroom , 26 Wellington Road, Parktown on the **10 October at 11:00**

### BID SUBMISSION:

All bids must be deposited in the bid box located at the foyer at: **26 Wellington Road, Parktown, Johannesburg, 2193**. (The tender box is accessible 24/7).

**Closing date and time: 25 October 2016 at 11:00**

**Contact person: Ms Khanyi Mngomezulu - 011 0185518 between 08h30 and 17h00 weekdays.**

### PLEASE NOTE:

A valid, original tax certificate must be submitted at closing date and time

The bid will be evaluated and adjudicated in terms of the 90/10 point system as prescribed by the PPPFA,05 of 2000

In order to qualify for a preference points out of 10, a valid, originally certified copy of the bidders B-BBEE status level verification certificate must be submitted with the bid documents at closing date and time.

The bid will be evaluated in two phases, first functionality and then price



## TERMS OF REFERENCE

FOR

### THE DEVELOPMENT OF THE MASTER SYSTEMS PLAN (ENTERPRISE ARCHITECTURE) FOR NDA

**CLOSING DATE: 25 October 2016**

**CLOSING TIME: 11H00**

**BID NUMBER: NDA18/IT13/16**

#### 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 can send bid documents using door to door courier services but NO documents can be sent to the NDA postal address or provincial NDA offices.*

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 " **Development of NDA Master Systems Plan (Enterprise Architecture) and costing** " indicating the bid reference number

**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 12 of this document.

#### **Technical Envelope**

This envelope must contain all information listed in section 9 of this document.

**Contact person: Ms Khanyi Mngomezulu 011 018-5518 / 079 126-9278 between 08h30 to 17h00 on weekdays.** Queries can also be sent in writing to [tenders@nda.org.za](mailto:tenders@nda.org.za) (on the website go to Supply Chain Management, click "current tenders" then you will have a view of all available tenders. For minutes of briefing sessions; go to Supply Chain Management, click tenders, click Questions & clarifications)

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**COMPULSORY  
BRIEFING SESSIONS HAVE BEEN SCHEDULED AS FOLLOWS:**

<b>Date</b>	<b>Time</b>	<b>Venue</b>
10 October 2016	11h00 to 12h00	NDA Main Boardroom 26 Wellington Road, Parktown Johannesburg, 2193

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## **1. OVERVIEW OF NDA**

The National development Agency is a public entity listed under Schedule 3A of the Public Finance Management Act, 1999 (Act No. 1 of 1999) (PFMA). It was established in terms of the National Development Agency Act, 1998 (Act No. 108 of 1998) as amended (the NDA Act).

### **Our mandate**

In terms of the NDA Act, NDA is 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

## 2. BACKGROUND

The National Development Agency (NDA) as a public entity was created to [promote] an appropriate and sustainable partnership between the Government and civil society organisations to eradicate poverty and its causes. The NDA Act states the mandates of the NDA and assigns the Minister of Social Development as its Executive Authority. By design the NDA is expected to support all developmental efforts driven by the Department of Social Development (DSD) as prescribed by the Minister. The full mandate and the responsibilities of the NDA are discussed in the section under the mandate.

The NDA has reformed and repositioned its business operation model to ensure that its programmes, services and products are all based at district level. This will ensure that the NDA has infrastructure, skills, programmes at district level to increase access, focus and rapid response to community development interventions for poor communities. To achieve this goal, the NDA has reorganised the following support structures:

- **Service delivery model** - services are decentralised and provided at district level as opposed to provincial level. The priority is the establishing new district offices in 27 priority (Mikondzo) districts, with 1 300 wards as phase 1 of the reforming the service delivery model.
- **Up-skilling of staff** to provide a range of services defined in the capacity building package and responsibilities defined in the NDA business operation model. The critical component of this requirement is also re-orienting all NDA staff on the new business model and its processes and systems.
- **Upgrading and re-alignment of systems and processes** - the current NDA systems and processes are not designed to support the new business model. The new model locates operation at district level, which means all systems and processes has to be designed with a district in mind. The current information technology infrastructure and systems need to be expanded and upgraded to-
  - (a) address demands at district level;
  - (b) be responsive to needs of the civil society sector to allow seamless interface between NDA services and the communities and
  - (c) be integrated to systems that contributes to the South Africa's National Development Plan 2030, outcome 13 to ensure that there is no duplication of information and quick response to access to integrated information in the sector.
- **Re-adjustment of resource allocation to the NDA** - The model requires reforming and re-engineering of the NDA as a whole for it to be effective. It also requires decentralisation of service delivery to a district level, which requires additional skills and or re-skilling of current staff to effectively implement this model. These are priority investments the state has to make in order to reform and turn the NDA around to be a leader in development and Agency of choice for supporting the civil society sector, especially, emerging organisation working with poor communities.

## Packaging of NDA services

The NDA has defined a package of services that will address challenges faced by the defined target audience of Civil Society Organisations (CSOs) at community level. The NDA will use different engagement approaches like Mikondzo to determine services required at the community level. The Mikondzo Ministerial Outreach Programme is an initiative of the Minister where officials in the DSD, NDA and the South African Social Security Agency (SASSA) are deployed to different local municipalities to assess the provision of Social Development services and development community based plans to address service delivery challenges faced by communities. The Mikondzo approach requires a multi-disciplinary team to work together with communities to identify problems, develop solutions with communities, and implement the solutions with communities. It is a typical participatory process that enhances abilities of communities organises themselves and defines how to respond to community development challenges. Therefore the NDA is required to have an ICT Strategy which allow information sharing and collaborations, to support such programmes:

- **CSOs mobilisation** - this is the engagement process with a social development sector multi-disciplinary team that engages communities and CSOs at local level to identify developmental needs, possible interventions, referrals to other departments and supporting communities to develop community structures or formations to organise themselves.
- **CSOs institutional Capacity building** - process of developing and strengthening the institutional skills, instincts, abilities, processes and resources that organisations and communities need to survive, adapt, and thrive in the fast-changing world. The institutional capacity building programme for CSOs will focus on the following areas: financial management, conflict resolution & management, governance, compliance & registration, fundraising & resource mobilisation, project planning & management, project monitoring & reporting.
- **CSOs resource mobilisation and referrals** - this intervention is critical for assisting CSOs to identify resources and linking them to available resources at all levels. As the NDA phases out its grant funding for project implementation for CSOs, therefore this intervention will assist them to identify and link them to available funding within their local area and nationally. In addition the intervention will have referrals processes to available resources for funding and ensure that the organisation has the ability to account for any funding they have accessed.

## ICT support and infrastructure

The NDA recognises ICT as a pivotal enabler to achieve its strategic objectives. As such the primary objective of NDA is to ensure the alignment of the ICT strategy with the business strategy and the new business model. The approach to achieve this will follow this methodology:

- Articulate the NDA's business strategy and the new business model (Business Process Re-engineering);
  - Business process re-engineering will be a starting point of the strategy, to focus on the analysis and design of workflows and integrated business processes.. This will aim to assist NDA fundamentally rethink how they do their work in order to

dramatically cut operational costs, improve customer service and ensure service delivery.

- Interpreting key information drivers and information systems needs;
- Conducting a detail assessment of the current ICT environment (applications, infrastructure, ICT human resources, projects portfolio and service delivery);
- Developing the desired future state of the ICT environment that will support the business goals; and establishing an aligned Master Systems Plan (MSP).

According to Implementation Guideline for Corporate Governance of Information and Communication Technology Policy Framework (CGICTPF), Version 1, January 2013 the MSP (ICT Strategic Plan) informed by the Organisational Strategic Plan, articulates the requirements of business service delivery enablement, by the ICT function. It should include how IT will support IT-enabled investment programmes, IT services and IT assets.

The benefits of the realignment and the development of an architecture that will support the proposed business operation are:

- The technology-enabled functions in the NDA to be integrated to the social development sector , including civil society sector with the information and support needed to align the demands required to meet objectives with available resources;
- The ability to monitor and report on the progress of all civil society organisations who have access and utilise the system;
- The model presupposes a risk management framework to ensure that the IT risks are identified and managed to meet the NDA's objectives;
- The enhanced capacity of the NDA provides a single point to coordinate planning and delivery by the respective stakeholders and lessens duplication of effort and services;
- The NDA can facilitate civil society organisations-related communication both within Social Development Sector and externally to stakeholders with regards to the sector performance and or new requirements;
- To provide the NDA and its stakeholders with a central data repository, where they can see through customised reporting and overall status of Social Services delivered through CSOs and its related benefits;
- Seamless integrated approach towards its ICT requirements to support the business model thus promoting interoperability and a single view of the organisation's information;
- Enabling ICT efficiency to support business process required to deliver NDA services;
- Predictable and intended impact of change and effective risk management.

### **3. KEY BUSINESS CHALLENGES**

The current NDA ICT strategy does not address the organisational needs, therefore for accurately designing an ICT architecture plan should be developed to be in line with the



NDA business model. The NDA is experiencing the following business challenges within ICT:

- Misalignment of ICT Strategy to the new business strategy;
- Inadequate ICT infrastructure to support the new business model;
- Inadequate ICT staff capacity, which can result in poor service support across NDA;
- Silo applications /systems that are expensive to maintain and support;
- Weak ICT Security controls and ICT risks management.

#### **4. PURPOSE OF A BID**

The purpose of the Request for a bid is to request bids from services providers for the development of the Master Systems Plan and a costed ICT Strategy.

Enterprise Architecture (EA) focuses on establishing a common framework for defining, managing and governing Business/ IT structure, relationship and components. In a way, Enterprise Architecture represents an integrated organisational blueprint for execution of business strategy through IT and covers strategy, tactical and operational domains.

Considering the benefits of an EA, the NDA deemed it necessary to invite service providers to provide proposals for the development of the MSP and to identify a bidder who can provide the services required by the NDA in the manner set out in the Specifications.

#### **5. SCOPE OF WORK**

In order to help the NDA address its requirements for the development of MSP and costed ICT Strategy, the Service Provider is expected to carry out the following milestones, but not limited to:

##### **5.1 Development of an AS-IS architecture**

The Service Provider is expected to identify NDA's current level of strategic and enterprise architecture maturity; gather existing documents that describe the business and technology capabilities, practices, formal process models, data and systems. Understand the integration and interfaces with other external stakeholders. In 2014 NDA approached SITA to assist with the documentation of their current business processes, future processes and these As-Is process could be used as base during the current analysis.

The NDA has a number of applications used in the organisation; however there are some units without integrated systems and their processes are manually based. Below is a list of current systems which will be your bases for the AS-Is application analysis:

- Business portal (Microsoft Dynamics GP version 3.2)
- Sage VIP for payroll, and Premier: Employee Self Service module
- Ms Dynamics Great Plains (2015 R2)
- In house Ms Office tools developed for performance reporting
- HEAT Software for IT Service management

##### **5.2 Develop TO-BE architecture**

The Service Provider is expected to generate a complete version of the architecture roadmap, based upon the gap analysis, to determine whether an incremental approach is

required, and if so identify transition architectures that will deliver continuous business value with the estimated cost for implementation. The To-Be architectural phase should outline the following, but not limited to:

- ***Business architecture***

The development of the target business architecture should describe how the enterprise needs would be addressed to achieve the business goals, responds to the strategic drivers set out in the business model and strategy, and addresses the stakeholder concerns.

- ***Data architecture***

The Service Provider is expected to look at the structure of an NDA's logical and physical data assets and propose data management resources which will be suitable for the organisation. Currently NDA's data is scattered across the business units, employees move data from one systems to another with no central repository. The data architecture views should addressing key stakeholder concerns and provide platforms to centrally access data for decision making.

- ***Application architecture***

The NDA would like to have a cost effective running of applications. . Currently the time and total cost for making changes to existing applications to reflect the business and technology is done in a non-cost effective way due to application silos. The application architecture should show groupings of applications that are built for specific purposes, by leveraging services available in the business architecture, applications should generally be quicker to develop and easier to maintain.

- ***Technology architecture***

The Service Provider should provide architecture which will describe the foundation software, hardware, security infrastructure and telecommunications capabilities that are required to enable processing and deployment of business, data, and application services.

### **5.3 Design solution architecture**

The Design solution architecture should provide a more manageable ICT environment by increasing IT disaster tolerance and reducing security breaches.

### **5.4 Costed ICT Strategy**

The service provider should provide a complete version of the architecture roadmap (ICT Strategic Plan), based on the gap analysis. The business value and the estimated cost of work packages, including the transition plan should be clearly specified.

### **5.5 Governance**

The service provider is required to review at the NDA's existing ICT governance structures and align it to the corporate governance; to ensure conformance with target architecture.

## 6. PROJECT METHODOLOGY

The Service Provider needs to develop a MSP for the NDA comprising of the following phases and deliverables:

### 6.1 Phase 1: Current State (Estimated timeline: 2 month)

- The Service Provider needs to establish the NDA EA maturity level by conducting a maturity assessment of the NDA's EA capability.
- An aligned vision, strategy and approach for the EA at the NDA. Key areas which must be documented include Architecture drivers, clear alignment to the Business Strategy, a resource plan and identified quick wins;
- A representation of the NDA's current state Architecture at contextual and conceptual levels, detailing the NDA's:
  - Organisational Structure;
  - Mandate, Vision, Strategy and Objectives;
  - Business Capabilities, Functions and High Level processes;
  - Stakeholder Analysis, Stakeholder Matrix, High Level requirements Map, Stakeholder
  - Management Approach;
  - Structured & Unstructured Information requirements, Information Groups, Data flows and dependencies;
  - Strategic and Tactical Programmes and Initiatives; and
  - Product and services rendered at NDA.

### 6.2 Phase 2: Future State (estimated timeline – 2 months)

An Enterprise Architecture framework with a robust set of principles and processes as well as any other required policies, standards or processes for the NDA aligned to best practices and the NDA environment;

- A representation of the proposed future state Architecture for the NDA at contextual and conceptual levels, detailing the NDA's:
  - Organisational Structure;
  - Mandate, Vision, Strategy and Objectives;
  - Business Capabilities, Functions, value chain, processes;
  - Stakeholder Analysis, Stakeholder Matrix, High Level requirements Map, Stakeholder Management Approach and Processes;
  - Structured & Unstructured Information requirements, Information Groups, Data flows and dependencies;
  - Strategic and Tactical Programmes, Projects and Initiatives;
  - Product and services rendered at NDA.

### **6.3 Phase 3: Gap Analysis & Roadmap (estimated timeline 2 months)**

The ICT alignment to the business strategic objectives is interpreted as the key information drivers into ICT strategic objectives. The business architecture is also interpreted into information architecture. Interpreting these business strategic objectives and architecture into information drivers/strategic objectives and information architecture respectively will provide a conceptual view of the required future state of ICT to support the business and what role ICT will play in the various business areas. A gap analysis between the NDA's current state Architecture and the proposed future state Architecture; together with the three year architecture roadmap for the NDA will be part of the deliverables.

## **7. KEY DELIVERABLES**

The following key deliverables (Critical Success factors) are expected from this project:

- Approved Master Systems Plan (EA)
  - An updated As-is and To-Be reports;
  - Gap Analysis report;
  - Identify applicable architectures;
  - Mapped business processes (at least at level 2)
  
- Approved ICT Strategy
  - Update the existing ICT strategy;
  - Requirements specifications;
  - Cost estimate for the deployment of the work packages
  
- Governance for implementation
  - Risk analysis and impact assessment;
  - A management summary that provides a high level, holistic view of the ICT environment

The Service Provider is required to produce interim reports at each phase which will be discussed and approved at different management levels of NDA. All graphical content from this engagement must be modelled and available for re-uses post this exercise. The Service Provider should note that the implementation of the ICT strategy is out of scope.

## **8. TIMEFRAME & PRICING**

The timeframe for the conclusion of all the deliverables are 6 (six) months from date of appointment and acceptance (contract signature). The Service Provider needs to indicate pricing stages per milestone. Payment will be based on deliverables sign-off. Pricing should include all disbursement. Final payment milestone will only be finalized once contract is awarded.

## 9. TECHNICAL EVALUATION

### Documents for Technical Evaluation

Company profile (with written references from suppliers clients, detailing the nature of work done, duration of contract, report on turnaround times cost saving initiatives implement and evidence of results) The references should be on the referee's official letter-head with full contact details and designation of the person signing the reference letter.

### Technical Evaluation will be scored as follows:

Evaluation Criteria	Description	Weight
Project team	<p>Evaluation of CV of lead architect/s with reference to defining, developing and implementing Enterprise Architecture. Atleast two (2) contactable references. 2 Marks</p> <p>Evaluation of certifications of lead architect to be deployed on the project. 5 Marks</p> <p>Five (5) years of relevant experience for lead architect. 3 Marks</p>	10
	<p>Evaluation of CV for supporting human resources with reference to defining, developing and implementing EA. 10 Marks</p> <p>Three (3) years of relevant experience for supporting human resources. 5 Marks</p> <p>Atleast two contactable references. 5 Marks</p> <p><b>Resources with respective certifications will be an added advantage for supporting human resources to be deployed on the project</b></p>	20
Enterprise Architecture Framework	Service Provider's ability to develop a Master Systems Plan with reference to section 5 and 7)	30
Experience	<p>Provide details of implementation of at least 5 (five) EA projects (using common architecture frameworks) Each project must be evidenced and substantiated with a reference letter from the relevant client on the client's letter head clearly detailing the actual work that was completed:</p> <ul style="list-style-type: none"> <li>•Project description (Scope of Work)</li> <li>•Project duration</li> <li>•Service rating</li> </ul> <p>The reference letter must not be older than 2 (two) years and should only refer to services currently being rendered</p>	15

	or rendered in the past 5 (five) years. <b>(No points will be allocated for the project if the relevant reference letter is not provided).</b> Maximum 3 points will be allocated for each project	
Project Management	The Service Provider shall clearly describe the methodology that they intend to implement, which will enable them to execute the work within the timescale required including but not limited to: <ul style="list-style-type: none"> <li>• Proposed Quality Assurance Approach; 5 Marks</li> <li>• Contingency for inability to reach milestones; 5 Marks</li> <li>• A fully detailed project implementation plan which includes:- 10 Marks <ul style="list-style-type: none"> <li>○ All activities(statement of work);</li> <li>○ Resources; and</li> </ul> </li> </ul> A detailed implementation schedule based on the activity list shall be provided as part of the project plan including cost per milestone.	20
Skills Transfer	Methodology for skills transfer plan , in line with the specific resources to be used for the projects.	15
<b>TOTAL SCORE</b>		<b>100</b>
<b>THRESHOLD</b>		<b>65</b>

## 10. EVALUATION CRITERIA

**10.1** Bids will be evaluated in accordance with the new Preferential Procurement Regulations, 2011, using the 90/10 preference points system as prescribed in the Preferential Procurement Policy Framework Act (PPPFA, Act 5 of 2000). The lowest acceptable bid will score 90 points for price and maximum of 10 points will be awarded for attaining the Broad-Based Economic Empowerment (B-BBEE) status level of contribution.

**10.2** 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 90/10 preference points system.

Bid proposal must score a minimum of seventy (65) 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 65 out of 100 will not be considered for further evaluation and will be disqualified.

**10.3 Phase two:** During this phase, bid proposals that passed the first phase will be further evaluated based on the 90/10 preference points system in accordance with the PPPFA Act, where 90 points will be attained in respect of price (the lowest acceptable bid will score 90 points and bidders that quoted higher prices will score lower points for price on a pro-rata basis) and 10 points will be awarded for attaining the Broad-Based Economic Empowerment (B-BBEE) status level of contribution in accordance with the table below:

<b>B-BBEE Status Level of Contributor</b>	<b>Number of points (90/10 system)</b>
1	10
2	9
3	8
4	5
5	4
6	3
7	2
8	1
Non-compliant contributor	0

**10.4** 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 Certificate or certified copies thereof, issued by accredited Verification Agencies by SANAS or Registered Auditor approved by Independent Regulatory Board of Auditor (IRBA) together with their bids, to substantiate their B-BBEE claims. The Exempted Micro Enterprise must submit a letter from the Accounting Officer who is appointed in terms of Close Corporation Act.

**10.5** Bidders who do not submit B-BBEE Status Level Verification Certificate or are non-compliant contributors to be 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 90 for price only and zero (0) points out of 10 for B-BBEE.

**10.6** Bidders are requested to complete the preference claim form in order to claim preference points.

**10.7** 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.

**10.8** 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.

**10.9** A bidder will not be awarded the points claimed for B-BBEE status level of contribution if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the contract value to any other enterprise that does not qualify for at least the same number of points that the bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

**10.10** A contractor is not allowed to sub-contract more than 25% of the contract value to another enterprise that does not have equal or higher B-BBEE status level, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

## **11. PARTNERSHIPS**

Service Providers participating in this RFQ in partnership with any other business must adhere to the following requirements:

- A signed partnership agreement detailing the terms of the partnership must be submitted together with your bid documents. For the agreement to be valid, it must be signed by all partners.
- Tax clearance certificates and BEE certificates for all partnering entities must be submitted with the bid documents for evaluation purposes. (Also refer to section 10.8, 10.9 and 10,10 of this document)

## **12. MANDATORY DOCUMENTS**

- Valid Tax Clearance Certificate issued by the South African Revenue Services (SARS)
- Proof of registration with CSD (Central Supplier Database)
- Company registration documents (CIPC)
- Completed and signed SBD documents.
- Where consortium/joint ventures/sub-contractor are involved each party to the association must submit a separate valid original Tax Clearance Certificate.
- Original Company or Close Corporation resolution authorizing a particular person to sign the bid documents.
- Sworn Affidavits or BEE verification certificate (Issued by an approved verification agency)

Failure to submit the above requirements with the bid documents may lead to 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 a zero (0).



### **13. DISCLAIMER**

- 13.1 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).
- 13.2 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.
- 13.3 No representations made by or on behalf of NDA in relation to this bid will be binding on the NDA unless that representation is expressly incorporated into the contract ultimately entered into between NDA and the successful bidder.

### **14. ADDITIONS AND AMENDMENTS TO THE BID**

- 14.1 The NDA reserves the right to change any information in, or to issue any addendum to this bid 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.
- 14.2 If the NDA exercises its right to change information in terms of clause 14.1 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.
- 14.3 The NDA will immediately disqualify a bidder from the bidding process if the bidder fails to notify the NDA of the conflict as required.



**PRICING SCHEDULE**  
(Professional Services)

NAME OF BIDDER: .....	BID NO.: NDA18/IT13/16
CLOSING TIME 11:00	CLOSING DATE: 25 October 2016.

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY (ALL APPLICABLE TAXES INCLUDED)
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1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project. R.....

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

4. PERSON AND POSITION	HOURLY RATE	DAILY RATE
.....	R.....	.....
.....	R.....	.....
.....	R.....	.....
.....	R.....	.....
.....	R.....	.....

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

.....	R.....	..... days
.....	R.....	..... days
.....	R.....	..... days
.....	R.....	..... days

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

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

Bid No.: .....

Name of Bidder: .....

\*\* "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 –

NATIONAL DEVELOPMENT AGENCY  
26 WELLINGTON ROAD  
PARKTOWN  
2194

ATTENTION: Khanyi Mngomezulu

Tel: 011 018 5518

Or for technical information –

Lerato Dhlamini

Tel: 011 018 5652



**DECLARATION OF INTEREST**

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes 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, shareholder<sup>2</sup>):

.....

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.

<sup>1</sup>“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.

<sup>2</sup>“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 any of the company’s directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months?

Did you or your spouse, or **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 **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 State 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



## **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.**

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#### **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:



	<b>POINTS</b>
<b>1.3.1.1 PRICE</b>	...90.....
<b>1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION</b>	...10.....
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>
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.
<b>2.</b>	<b>DEFINITIONS</b>
2.1	<b>“all applicable taxes”</b> includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
2.2	<b>“B-BBEE”</b> means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
2.3	<b>“B-BBEE status level of contributor”</b> 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	<b>“bid”</b> 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	<b>“Broad-Based Black Economic Empowerment Act”</b> 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”** 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:

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

Where

$P_s$  = Points scored for 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>B-BBEE Status Level of Contributor</b>	<b>Number of points (90/10 system)</b>	<b>Number of points (80/20 system)</b>
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><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	<p>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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.4.1	If so, furnish particulars:
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**CERTIFICATION**

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

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

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

.....

**Signature**

.....

**Date**

.....

**Position**

.....

**Name of Bidder**

Js365bW



**SBD 9**

### **CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

**<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.**

**<sup>2</sup> Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and /**

or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

SBD 9

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:  
(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

(a) has been requested to submit a bid in response to this bid invitation;

- (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder.
- 6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
- 7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
- 8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

.....

.....

Signature

Date

.....

.....

Position

Name of Bidd