



TERMS OF REFERENCE
THE APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF TRAVEL
MANAGEMENT SERVICES TO THE NATIONAL DEVELOPEMENT AGENCY (NDA)
OVER A PERIOD OF 36 - MONTHS

BID REF: NDA04/FIN02/21

BRIEFING SESSION	A COMPULSORY BRIEFING SESSION WILL BE HELD ON THE 10 th MAY 2021 @ 10H00
VENUE	<p>MICROSOFT TEAMS: Bidders who are interested in joining the compulsory briefing session MUST send their e-mail addresses to: MuziM@nda.org.za by 09h00 on the 10th May 2021 so that a link can be sent to them for joining the Microsoft Teams meeting.</p> <p>(Failure to join the briefing session will result in disqualification from the bidding process)</p>
CLOSING DATE	<u>25th MAY 2021</u>
CLOSING TIME	12H00
SUBMISSION OF DOCUMENTS	<p>All proposals must be delivered at the NDA Head Office on or before the closing date and time. The Head Office address is 26 Wellington Road, Parktown, Johannesburg, 2193. Submissions must be strictly submitted inside the tender box, which is at the main entrance and accessible 24/7.</p> <p><i>Service providers outside of Gauteng are advised to send their documents by courier. NDA will not take responsibility for documents sent via postal services.</i></p>
SUPPLIER	The supplier's envelope/s MUST clearly have the description of the " The appointment of a

ENVELOPES	<p>service provider for the provision of Travel Management Services".</p> <p>A TWO-ENVELOPE system will be used for the submission of bids:</p> <p>Commercial Envelope This envelope must contain price quotations plus all the mandatory documents as listed in section 5 of this document.</p> <p>Technical Envelope This envelope must contain all info listed in section 4 of this document.</p>
LATE BIDS	Bids received after the closing date and time will not be accepted for consideration and where practicable, will be returned unopened to the Bidder(s).
<p>Contact person for Commercial Queries is Ms Elizabeth Mngqabashe or Mr Muzi Matsenjwa on +27 11 018-5546/5562 between 08h30 to 17h00 on weekdays. Queries can also be sent in writing to ElizabethM@nda.org.za/MuziM@nda.org.za.</p> <p>Contact person for Technical Queries is Ms Nyali Morailane or Ms Nomakhaya Nelani +11 018 5537/5607 or NyaliM@nda.org.za/NomakhayaN@nda.org.za.</p>	

Table of Contents

1. PURPOSE	5
2. SCOPE OF WORK	9
3. TECHNICAL EVALUATION CRITERIA (PHASE 1).....	14
4. COMMERCIAL EVALUATION (PHASE 2).....	16
5. PRICING	19
6. TENDER VALIDITY	20
7. NDA PAYMENT TERMS.....	20
8. MANDATORY DOCUMENTS	20
9. CENTRAL SUPPLIER DATABASE.....	20
10. CONTRACT AWARD.....	21
11. DISCLAIMER	21
12. ADDITIONS AND AMENDMENTS TO THE BID.....	21
13. CONTENT PAGE.....	22

INTRODUCTION

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. PURPOSE OF THE REQUEST FOR BIDS (RFB)

- 1.1 The purpose of this Request for Bid (RFB) is to solicit proposals from potential bidder(s) for the provision of travel management services to NDA.
- 1.2 This RFB document details and incorporates, as far as possible, the tasks and responsibilities of the potential bidder required by NDA for the provision of travel management services to NDA.
- 1.3 The RFB does not constitute an offer to do business with NDA but merely serves as an invitation to bidder(s) to facilitate a requirements-based decision process.
- 1.4 NDA seeks to enter into an agreement with travel agency that are fully accredited of IATA (International Air Transport Association) with the access to a world-wide computerised reservation network which is valid and compliant to the travel industry requirements.
- 1.5 The successful bidder will therefore be expected to provide services in line with the office allocations which will be made by NDA

2. DEFINITIONS

Accommodation means the rental of lodging facilities while away from one's place of abode, but on authorized official duty.

After-hours service refers to an enquiry or travel request that is actioned after normal working hours, i.e. 16h30 to 8h00 am on Mondays to Fridays and twenty-four (24) hours on weekends and public holidays.

Air travel means travel by airline on authorized official business.

Authorizing Official means the employee who has been delegated to authorize travel in respect of travel requests and expenses, e.g. line manager of the traveler.

Car Rental means the rental of a vehicle for a short period of time by a Traveler for official purposes.

Domestic travel means travel within the borders of the Republic of South Africa.

Emergency service means the booking of travel when unforeseen circumstances necessitate an unplanned trip or a diversion from original planned trip.

International travel refers to travel outside the borders of the Republic of South Africa.

Management Fee is the fixed negotiated fee payable to the Travel Management Company (TMC) in monthly instalments for the delivery of travel management services, excluding any indirect service fee not included in the management fee structure (visa, refund, frequent flyer tickets etc).

Merchant Fees are fees charged by the lodge card company at the point of sale for bill back charges for ground arrangements.

Quality Management System means a collection of business processes focused on consistently meeting customer requirements and enhancing their satisfaction. It is expressed as the organizational structure, policies, procedures, processes and resources needed to implement quality management.

Regional travel means travel across the border of South Africa to any of the Countries in the African Continent.

Service Level Agreement (SLA) is a contract between the TMC and NDA that defines the level of service expected from the TMC.

Shuttle Service means the service offered to transfer a Traveller from one point to another, for example from place of work to the airport.

Third party fees are fees payable to third party service providers that provides travel related services on an ad hoc basis that is not directly provided by the TMC. These fees include visa fees and courier fees.

Transaction Fee means the fixed negotiated fee charged for each specific service type e.g. international air ticket, charged per type per transaction per traveller.

Traveller refers to a NDA official, consultant or contractor travelling on official business on behalf of NDA.

Travel Booker is the person coordinating travel reservations with the Travel Management Company (TMC) consultant on behalf of the Traveller

Travel Management Company or TMC refers to the Company contracted to provide travel management services (Travel Agents).

Travel Voucher means a document issued by the Travel Management Company to confirm the reservation and/or payment of specific travel arrangements.

Value Added Services are services that enhance or complement the general travel management services e.g. Rules and procedures of the airports.

VAT means Value Added Tax.

VIP or Executive Service means the specialized and personalized travel management services to selected employees of Government by a dedicated consultant to ensure a seamless travel experience.

3. SPECIAL CONDITIONS OF THE CONTRACT

3.2 Bidders must comply with the following special condition:

- 3.1.1 The bidder is required to have a minimum of 5 (five) years' experience in the travel industry.
- 3.1.2 The Operations Manager is required to have a minimum of 5 (five) years' experience in the Travel Industry, (CV must be submitted) with a minimum of three contactable referees.
- 3.1.3 The Key Accounts Manager is required to have a minimum of 5 (five) years' experience in the Travel Industry, (CV must be submitted) with a minimum of three contactable referees.
- 3.1.4 The Finance Manager is required to have a minimum of 5 (five) years' experience in Financial Management for accurate invoices and statements and overall financial management of multiple Travel Accounts, (CV must be submitted) with a minimum of three contactable referees.
- 3.1.5 The Team Leader/ Office Manager is required to have a minimum of 5 (five) years' experience in the Travel Industry, (CV must be submitted) with a minimum of three contactable referees.
- 3.1.6 The bidder is required to have experience of processing a minimum of 6

000 transactions per year as referenced in the fully completed table of experience.

3.1.7 Bidders are required to submit their current and valid International Air Transport Association (IATA) licence/ certificate (certified copy not older than 3 months) at the closing date of the bid.

3.1.8 The bidders are required to submit completed sets of audited annual financial statements between the periods (2018 and 2020), in the name of the bidding entity, to conduct financial statement analysis.

3.1.9 Submit a minimum of 3 reference letters from travel suppliers not older than 3 years on the travel supplier letterhead. The letters must also indicate turnaround times for settling accounts.

3.2 BID CONDITIONS

3.2.1 Bidders may be required to present their bid proposal for clarity provision purposes

3.2.2 Bidders shall be disqualified if found to have misrepresented information in their bid proposal

3.2.3 Bidders must submit their bid proposal in line with the bid specifications and attach Annexures

4. FRONTING

Government supports the spirit of broad based economic empowerment and recognises that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background the Government condemns any form of fronting.

5. SUPPLIER DUE DILIGENCE

NDA reserves the right to conduct supplier due diligence prior to final award or at any time during the contract period. This may include site visits and requests for additional information.

NDA may invite shortlisted service providers for presentations as part of the bid evaluation process. The invitation will outline what the presentation should entail.

6. CONTRACT DURATION

The successful bidder will be appointed for a period of 36 (thirty-six) months with an option to renew in NDA's sole discretion for an additional 24 (twenty-four) months on the same terms and conditions unless the parties agree otherwise. The renewal of the contract will be at intervals of 12 (twelve) months each.

7. SCOPE OF WORK

7.1 Travel Management Company Requirements

NDA is currently using a system called Business Portal to manage requisitions and travel expense processes within the travel management lifecycle. The travel requisition process is currently a semi-automated process.

NDA's primary objective in issuing this RFB is to enter into an agreement with a successful bidder who will achieve the following:

- 7.1.1 Provide NDA with travel management services that are consistent and reliable and will maintain a high level of traveler satisfaction.
- 7.1.2 Provide comprehensive local and international travel arrangements and bookings on behalf of the NDA that include but are not limited to inter alia accommodation, flights, car hire, buses, shuttle service and parking
- 7.1.3 Arrange conference/workshop venues and/or packages (on ad hoc requests).
- 7.1.4 Obtain a minimum of three quotes to achieve significant cost savings for NDA without any degradation in the services.
- 7.1.5 Professional processing and administration of passports, visas and international drivers' licenses, travel insurance.

- 7.1.6 Appropriately contain traveler risk.
- 7.1.7 Provide NDA with monthly travel management reports.
- 7.1.8 Reconcile invoices with NDA requisitions and statements and submit invoices weekly.
- 7.1.9 Timeously effect payment to service providers.
- 7.1.10 Negotiate favorable deals, rates and flexibility with suppliers.
- 7.1.11 Conduct monthly meetings with operations, finance and supplier management.
- 7.1.12 Perform all travel arrangements in terms of the NDA Travel policy.
- 7.1.13 Provide 24/7/365 support.
- 7.1.14 Provide a transition plan for implementing the service without service interruptions and engage with the incumbent service provider to ensure a smooth transition.
- 7.1.15 Provide a minimum of five (5) employees that will be dedicated to the NDA account for support purposes.

7.2 Travel Volumes

The current NDA total volumes per annum includes air travel, accommodation, car hire, shuttle services, forex, conferences, etc. The table below details the number of transactions for the FY 2019/20 as follows:

Service Category	Actual number of Transactions p/a
Air travel – Domestic	1633
Air travel – Regional & International	
Car Rental – Domestic	1100
Car Rental – Regional & International	
Shuttle Services – Domestic	863
Accommodation – Domestic	2689
Accommodation – Regional & International	
Transfers – Domestic	See shuttle service
Transfers – Regional & International	
Bus/Coach bookings	6
Train – Regional & International	
Conferences/Events	48
After Hours	
Airport Parking	111
Parking	10

Insurance	
Forex	
GRAND TOTAL	6460

Note: The above figures are actuals for FY 2019/2020 based on the current trends and they may change during the tenure of the contract. The figures are meant for illustration purposes to assist the bidders to prepare their bids.

7.3 Financial Management

- 7.3.1 The TMC will be required to offer a 30-day bill-back account facility to NDA should a lodge card not be offered. Bill-back refers to the supplier sending the bill back to the TMC, who, in turn, invoices NDA for the services rendered.
- 7.3.2 The TMC must to the extent possible, negotiate favorable rates with all travel service providers or implement the maximum rates established by the National Treasury where applicable.
- 7.3.3 The TMC will be responsible for managing service provider accounts. The NDA expect to receive invoices from the TMC for remittance within the agreed time period.
- 7.3.4 Where prepayments are required for smaller Bed & Breakfast/Guest House facilities, these will be processed by the TMC. It should be noted that these are occasionally required at short notice and even for same day bookings.
- 7.3.5 The TMC is responsible for the consolidation of invoices and supporting documentation to be provided to NDA's Financial Department on the agreed time period (weekly). This includes attaching the travel authorization and Purchase Order.
- 7.3.6 TMC is responsible to submit proof of all travel services that have been cancelled
- 7.3.7 Ensure travel supplier accounts are followed up and settled timeously within 30 days period from date of service.
- 7.3.8 After- hours invoicing must be done per call.

7.4 Technology, Management Information and Reporting

- 7.4.1 The TMC must have the capability to consolidate all management information related to travel expenses into a single source document with automated reporting tools.

- 7.4.2 All management information and data input must be accurate.
- 7.4.3 Upload all traveler profiles and maintain updates.
- 7.4.4 The TMC will be required to provide NDA with a minimum of three 3 standards monthly reports that are in line with the National Treasury's cost containment instructions reporting template requirements at no cost. The reporting templates can be found on:

<http://www.treasury.gov.za.legislation/pfma/TreasuryInstruction/AccountantGeneral.aspx>

- 7.4.5 Reports must be accurate and be provided as per NDA's specific requirements at the agreed time. It will include but not limited to the following:

- Monthly Bookings outside travel policy
- Monthly Unused tickets
- Monthly Refund log
- Monthly Reconciliation of commissions/rebates or any volume driven incentives
- Monthly Reconciled report for the travel lodge card statement
- Monthly Age analysis for the account
- Monthly Creditor's summary report
- Monthly Now show report
- Monthly After hour report
- Monthly Cancellation report
- Monthly Open voucher report

7.5 Value Added Services

The TMC must provide the following value added services:

- a) Travel alerts
- b) Health warnings
- c) Visa information
- d) Location of hotels and restaurants
- e) Complimentary services
- f) SMS notifications for travel confirmations
- g) Global travel risk management

7.6 Office Management

The TMC must ensure high quality service to be delivered at all times to NDA's travelers. The TMC is required to provide NDA with highly skilled and qualified human resources of the following roles but not limited to:

- a) Dedicated Senior consultants
- b) Intermediate consultants
- c) Finance Manager/Branch Accountant
- d) System Administrator
- e) Quarterly meetings with senior management

8. PRICING MODEL

NDA requires bidders to propose two pricing models being the transactional fee model and the management fee model. NDA will at their discretion select the best possible cost effective solution.

8.1 Transaction Fees

8.1.1 The transaction fee can be a fixed amount or percentage of the value of the transaction.

8.2 Volume driven incentives

- 8.2.1 It is important for bidders to note the following when determining the pricing:
- i. National Treasury has negotiated non-commissionable fares and rates with various airlines carriers and other service providers;
 - ii. An open book policy will apply, all incentives earned through NDA reservations must be disclosed to NDA will be used at NDA's discretion
 - iii. TMCs are to book these negotiated rates or the best fares available, whichever is the most cost effective for the institution.

9. TECHNICAL EVALUATION CRITERIA (PHASE 1)

DESCRIPTION	WEIGHT
<p>1. Project Proposal</p> <p>The TMC must submit a detailed project proposal that demonstrate the service provider's ability and extent to which the specic services required by the NDA will be addressed. The following elements must be addressed in the project proposal:</p> <ul style="list-style-type: none"> (a) Methodology or approach (6) points) (b) Turnaround Time (5 points) (c) Footprint in the 9 provinces (9 points) (d) Service experience as defined in Section 3.1.1 (5 points) 	<p>25</p>
<p>2. Past Experience:</p> <p>The TMC MUST submit signed reference letters on the clients' letterhead detailing the nature of the service rendered. Letters MUST comply with the provisions in Section 3.1.9.</p> <ul style="list-style-type: none"> • Five letters (15 points) • Three letters (10 point) • Below three (5 point) 	<p>15</p>
<p>3. Timeous Settling of Accounts</p> <p>The TMC MUST submit confirmation letters from their suppliers on timeously settlement of their accounts. The letters must be on the suppliers' letterhead and must be signed.</p> <ul style="list-style-type: none"> • Five letters from hotels,car rentals,airlines,shuttle services must be submitted. <p>Each letter will score 3 points.</p>	<p>15</p>

<p>4. Experience of the Team to be allocated to the NDA:</p> <p>The TMC should demonstrate the capacity of the team to carry out the work required in this Bid. Curriculum Vitaes of not more than THREE pages must be submitted.</p> <ul style="list-style-type: none"> • Operations Manager: minimum of five years experience required. • Key Accounts Manager: minimum of three years experience required. • Finance Manager: minimum of five years experience required. • Team Leader/Office Manager: minimum of five years experience required <p>TMC must comply with requirements in Section 3.1.2, 3.1.3, 3.1.4 and 3.1.5.</p>	<p>20</p>
<p>5. Information Technology</p> <p>(a) Ability to produce system generated reports of all transactions handled in a year. A sample of the system generated report MUST be attached. (5 points)</p> <p>(b) A detailed transaction strategy (take over) not exceeding three pages MUST be submitted by the TMC.</p> <ul style="list-style-type: none"> • Arrangement of the lodge card • Profile settings and updates <p>(10 points)</p>	<p>15</p>
<p>6. Financial Management</p> <p>TMC must demonstrate ownership of a Financial management system that will allow TMC to generate required reports as per Section 7.4.5 above.</p> <p>(10 full marks will be obtained on presentation of previous/current record of ability to perform requirements listed on this section 7.4.5)</p>	<p>10</p>
<p>Total score</p>	<p>100</p>
<p>Minimum qualifying score</p>	<p>80</p>

10. COMMERCIAL EVALUATION (PHASE 2)

10.1 Bids will be evaluated in accordance with the Preferential Procurement Regulations, 2017, using the 80/20 preference points system as prescribed in the Preferential Procurement Policy Framework Act (PPPFA, Act 5 of 2000). The lowest acceptable bid will score 80 points for price and a maximum of 20 points will be awarded for attaining the Broad-Based Black 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 Price and BEE on the second phase, following the 80/20 preference points system.

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

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

11. PRICE EVALUATION (80 Points)

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

The following formula will be used to calculate the points for price:

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid

12. B-BBEE EVALUATION (20 Pointw)

A maximum of 20 points may be allocated to a bidder for attaining their B-BBEE status level of contributor in accordance with the table below:

B-BBEE Status Level of Contributor	Number of Points
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- 12.1 To claim the B-BBEE Status Level of Contributor, bidders must submit Sworn Affidavits or original and valid B-BBEE Status Level Verification Certificates or certified copies thereof, issued by accredited Verification Agencies such as SANAS or Registered Auditor approved by the IRBA together with their bids, to substantiate their B-BBEE claims. Exempted Micro Enterprises must submit a letter from the Accounting Officer who is appointed in terms of the Close Corporation Act.
- 12.2 Bidders who do not submit B-BBEE Status Level Verification Certificate or are non-compliant contributors to B-BBEE do not qualify for preference points for B-BBEE, but will not be disqualified from the bidding process. They will score points out of 80 for price only and zero (0) points out of 20 for B-BBEE.
- 12.3 Bidders are requested to complete the preference claim form (SBD 6.1) to claim preference points.
- 12.4 A tender will be awarded to the tenderer who scored the highest total number of points in terms of the preference point systems (price and B-BBEE points). It should

be noted that the NDA reserves the right not to appoint any bidder and no bidder will be reimbursed for any costs incurred whilst participating in this bid.

13. JOINT VENTURES, CONSORTIUMS AND TRUSTS

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.

A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity if 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.

Bidders must submit concrete proof of the existence of joint ventures and/or consortium arrangements. The NDA will accept signed agreements as acceptable proof of the existence of a joint venture and/or consortium arrangement.

When bidding through a Joint Venture, the Joint Ventures must submit a Consolidated B-BBEE certificate if it is not an incorporated entity when responding to tenders. This means that the bidder will have to obtain a new B-BBEE certificate for the Joint Venture, which consolidates each participant's B-BBEE status level.

14. SUB-CONTRACTING

Bidders/ tenderers who want to claim Preference points will have to fully comply with regulation 5 and 12(3) of the Preferential Procurement Regulations 2017 about sub-contracting which states that:

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

12 (3) A person awarded a contract may not subcontract 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 of contributor than the person concerned unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

15. CLIENT BASE

The NDA reserves the right to contact references during the evaluation and adjudication process to obtain information.

16. PRICING

16.1. Bidders must submit a detailed cost breakdown for all applicable costs e.g. Initial setup costs, monthly costs, and any other applicable costs. All prices submitted must be inclusive of VAT.

16.2. Bidders must indicate if their prices will be fixed and firm for the duration of the proposed contract period, if not, the proposed escalations should be indicated.

16.3. Bidders must ensure that the quotes submitted have no arithmetic errors as NDA will not rectify any errors and no adjustments to quotations received will be permitted.

16.4. Bidders will carry the responsibility of ensuring that the proposals submitted have been signed by a duly 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.

16.5. All prices submitted should be typed in black ink or written in pen, proposals written in pencil will not be accepted and evaluated.

16.6. A two-envelope system will be used for the submission of proposals.

17. TENDER VALIDITY

All submitted bids must be valid for 150-days from the closing date of this bid.

18. NDA PAYMENT TERMS

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

19. MANDATORY DOCUMENTS

- 19.1. Valid Tax Clearance Certificate issued by the South African Revenue Services (SARS). Where consortium/joint ventures/sub-contractor are involved in each party to the association must submit a separate valid original Tax Clearance Certificate or SARS tax Pin or a CSD report.
- 19.2. Signed agreements for joint ventures and/or consortium arrangements.
- 19.3. Company registration documents with the relevant authority (CIPC).
- 19.4. A letter/resolution authorising the person signing the bid documents and contracts.
- 19.5. All participating bidders must complete, sign and return ALL the attached SBD forms together with their proposals (SBD 1, 2, 4, 6.1,8 and 9).
- 19.6 IATA Licence / Certificate. Bidders are required to submit their international Air Transport Association (IATA) licence/certificate (certified copy) at closing date. No third party IATA licences will be permitted.

Failure to complete and submit any of the attached documents will result in immediate disqualification.

20. CENTRAL SUPPLIER DATABASE

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

21. CONTRACT AWARD

A binding contract will be signed after both parties have fully agreed to the scope of work and all terms and conditions. The NDA legal department will develop a draft contract that shall be used as the basis to finalise contract terms and conditions.

22. DISCLAIMER

- 22.1. Whilst all due care has been taken in connection with the preparation of this bid, the NDA makes no representations or warranties that the content in this bid 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 and employees will not be liable for any information communicated which is not accurate, current or complete.

22.2. 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 to allow the NDA to consider what corrective action is necessary (if any).

22.3. 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.

22.4. No representations made by or on behalf of NDA about 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.

23. ADDITIONS AND AMENDMENTS TO THE BID

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

23.2. Should the NDA exercise its right to change the information in terms of clause 22.1 all amendments will be communicated to all bidders.

24. CONTENT PAGE

Participating bidders are required to submit a detailed content page and page dividers clearly indicating (cross-referencing) where each of the technical requirements is placed in their bid documents exactly as outlined in **section 9** (technical evaluation criteria) of this TORs. Any additional information that the supplier would like to provide should be referenced as well on the content page.

25. PRICE NEGOTIATIONS

As guided by the Implementation Guide Preferential Procurement Regulations, 2017 of the PPPFA, Act No.5 of 2000, 19.2; the award of this tender may be subjected to price negotiation with the preferred tenderers.

26. SPECIAL CONDITIONS OF THIS BID

NDA reserves the right to;

- 26.1 To accept part of a tender rather than the whole tender.
- 26.2 To carry out site inspections, product evaluations or explanatory meetings in order to verify the nature and quality of the services offered by the bidder(s), whether before or after adjudication of the Bid.
- 26.3 To correct any mistakes at any stage of the tender that may have been in the Bid documents or occurred at any stage of the tender process.
- 26.4 To cancel and/or terminate the tender process at any stage, including after the Closing Date and/or after presentations have been made, and/or after tenders have been evaluated and/or after the preferred bidder(s) have been notified of their status as such.
- 26.5 Award to multiple bidders based either on size or geographic considerations.

27. TAX COMPLIANCE

No tender shall be awarded to a bidder who is not tax compliant. NDA reserves the right to withdraw an award made, or cancel a contract concluded with a successful bidder in the event that it is established that such bidder was in fact not tax compliant at the time of the award, or has submitted a fraudulent Tax Clearance Certificate to NDA, or whose verification against the Central Supplier database (CSD) proves non-compliant. NDA further reserves the right to cancel a contract with a successful bidder in the event that such bidder does not remain tax compliant for the full term of the contract.

28. TENDER DEFAULTERS AND RESTRICTED SUPPLIERS

No tender shall be awarded to a bidder whose name (or any of its members, directors, partners or trustees) appear on the Register of Tender Defaulters kept by National Treasury, or who have been placed on National Treasury's List of Restricted Suppliers. NDA reserves the right to withdraw an award, or cancel a contract concluded with a Bidder should it be established, at any time, that a bidder has been blacklisted with National Treasury by another government institution.

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	NDA04/FIN02/21	CLOSING DATE: 10 th <u>MAY 2021</u>		CLOSING TIME:	12H00 PM
DESCRIPTION	THE APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF TRAVEL MANAGEMENT SERVICES TO THE NATIONAL DEVELOPMENT AGENCY (NDA) OVER A PERIOD OF 36 MONTHS				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
26 WELLINGTON ROAD					
PARKTOWN					
2193					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Muzi Matsenjwa or Elizabeth Mnqabashe		CONTACT PERSON	Nyali Morailane or Nomakhaya Nelani	
TELEPHONE NUMBER	011 018 5562/5546		TELEPHONE NUMBER	011 018 5537/5607	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	muzim@nda.org.za/ elizabethm@nda.org.za		E-MAIL ADDRESS	nyalim@nda.org.za/ nomakhayan@nda.org.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES NO
 IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

**PART B
 TERMS AND CONDITIONS FOR BIDDING**

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

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

SIGNATURE OF BIDDER:

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

DATE:

TAX CLEARANCE CERTIFICATE REQUIREMENTS

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

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



NDA

National
Development
Agency

SBD 4

DECLARATION OF INTEREST

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

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

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

2.1 Full Name of bidder or his or her representative:

.....

2.2 Identity Number:

.....

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

.....

2.4 Company Registration Number:

.....

2.5 Tax Reference Number:

.....

2.6 VAT Registration Number:

.....

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

¹"State" means –

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

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

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

2.7.1 If so, furnish the following particulars:

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

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

Position occupied in the state institution:

Any other particulars:

.....

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

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

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

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

.....

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

2.8.1 If so, furnish particulars:

.....

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

2.9.1 If so, furnish particulars.

.....

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

YES/NO

2.10.1 If so, furnish particulars.

.....

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

YES/NO

2.11.1 If so, furnish particulars:

.....

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

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

4 DECLARATION

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

.....
 Signature

.....
 Date

.....
 Position

.....
 Name of bidder



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

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

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

1. GENERAL CONDITIONS

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

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

1.2

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

1.3 Points for this bid shall be awarded for:

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

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

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

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

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

2. DEFINITIONS

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

3. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

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

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

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

5. BID DECLARATION

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

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

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

7. SUB-CONTRACTING

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

(Tick applicable box)

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

7.1.1 If yes, indicate:

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

(Tick applicable box)

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

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

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

Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration
number:.....

8.3 Company registration
number:.....

8.4 TYPE OF COMPANY/ FIRM

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

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

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

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

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

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

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

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

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

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



SBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.1.1	If so, furnish particulars:		

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

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js365bW



SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

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

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder.
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

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

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

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

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

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js914w 2