



public enterprises

Department:
Public Enterprises
REPUBLIC OF SOUTH AFRICA

REQUEST FOR PROPOSALS (RFP)

RFQ SCM 01/2021-2021

REQUEST FOR PROPOSALS (RFP)

**APPOINTMENT OF SERVICE PROVIDER FOR THE PROVISION OF THE ANTI
FRAUD AND CORRUPTION HOTLINE FOR THREE (3) YEARS PERIOD**

CLOSING DATE: 17 SEPTEMBER 2021

TIME: 11H00

1. INTRODUCTION

- 1.1. The vision of the Department of Public Enterprises (DPE), articulated in 2011, “is to drive investment, productivity and transformation in the Department’s portfolio of State-Owned Companies (SOC), their customers and suppliers so as to unlock growth, drive industrialisation, create jobs and develop skills”
- 1.2. The Department sees the SOC for which it is responsible as key instruments of industrial policy and core players of the developmental state, essential in driving economic growth through the provision of efficient, reliable and affordable economic infrastructure. The Department therefore provides direction to the SOC in order to ensure that their activities, operations and investment programmes support the medium-term strategic framework of the government, as well as the programmes set out in the National Development Plan (NDP) and the New Growth Path (NGP).
- 1.3. The work of the DPE and its SOC contribute to Outcome 6 of the 12 National Government outcomes adopted by the Cabinet Lekgotla in January 2010 “An efficient, competitive and responsive economic infrastructure network”.

2. WHO WE ARE

- 2.1. The Office of Public Enterprises (OPE) was established in 1994 to champion and direct the restructuring of State-Owned Companies (SOCs) and to ensure their optimal economic and developmental impact. A Cabinet decision was taken in 1999 to accelerate the restructuring of State-Owned Enterprises (SOEs) and the OPE was upgraded and re-designated as the Department of Public Enterprises (DPE) – a National Government Department.
- 2.2. The DPE is the shareholder representative for Government and is mandated by the Executive to oversee a number of SOCs that operate in core sectors of the economy like Mining, Defence, Energy, Logistics and others. Of these, two (SAA and SA EXPRESS) are currently in Business Rescue and consequently strategically de-emphasised until the outcomes of the Business Rescue processes are known. The DPE is the primary interface between Government and the SOCs concerned and, in addition to oversight, provides input to the formulation of policy, legislation and regulation.

3. CONSTITUTIONAL MANDATE

- 3.1. The DPE undertakes shareholder oversight for Government and is currently instructed by the Executive Authority to oversee core strategic State-Owned Companies. DPE is the primary interface between Government and the SOCs concerned and provides input into the formulation of policy, legislation and regulation. Currently the DPE does not have a legislated constitutional mandate. The DPE is recognised as a Government department through Proclamation No. 82 of 1999.

4. MISSION

- 4.1. To provide clear strategic direction and oversight to the Department's SOCs, seeking to ensure that:
- a) They are financially sustainable, adequately funded and operationally robust.
 - b) Their operating models keep pace with global development and innovation.
 - c) They provide reliable, high-quality and cost-effective services and infrastructure to industry and our citizens.
 - d) They secure investment and funding for strategic industrial development; and
 - e) They align with national developmental objectives.

5. PURPOSE

- 5.1. The aim of the project is to foster accountability through the establishment and maintenance of an Anti-Fraud and Corruption Hotline that is dedicated to the Department and the SOCs.
- 5.2. The hotline will assist the Department to detect fraud and corruption incidents from our portfolio of SOCs more quickly.
- 5.3. Tips are more likely to be submitted through a reporting mechanism.
- 5.4. There is a possible reduction of losses the malfeasance is reported.
- 5.5. A fraud and corruption hotline will deliver a significant business risk management and some change in organisational culture.
- 5.6. Hotline encourages would be whistle-blowers to come forward and introduces the promotion of a speak-out culture.
- 5.7. The hotline will create a perception on the part of employees and the public that they are expected to come forward and raise the flag when they encounter potential or actual acts of ethical misconduct.

- 5.8. The provision of a hotline reporting service provides an understanding on the part of the employees and the general public that they have appropriate avenues available to them to speak out.
- 5.9. The hotline can lead employees to feel inspired to contribute to a culture of integrity in their workplace and in society.
- 5.10. A hotline will provide the understanding to employees and the public of the various platforms by which they communicate anonymously without fear of being exposed.

6. PROJECT OBJECTIVES

- 6.1. The primary objectives of the Anti-Fraud and Corruption Hotline are:
 - a) To assist the Ministry of Public Enterprises and the Department to enhance its zero-tolerance stance against fraud and corruption.
 - b) To enable the Minister to exercise sufficient oversight on matters of fraud and corruption concerning the department and the seven SOCs.
 - c) To enable the Minister to follow-up on any reported cases and ask for progress
 - d) To encourage potential whistle blowers to proactively report alleged acts of malfeasance, fraud and corruption without the fear of suffering reprisals or intimidation
 - e) To provide a system that can be utilised to track all reported incidents of malfeasance, fraud and corruption that are reported through the hotline and
 - f) To support the Ministry and Department to monitor and follow up on reported cases with the view being to ensure that they are fully addressed.

7. TERMS OF REFERENCE / SCOPE OF WORK

- 7.1. A Bidder is required to assist the department to manage an Anti-Fraud and Corruption Hotline.
- 7.2. The hotline will be dedicated to reporting alleged acts of fraud and corruption concerning the Department of Public Enterprises and the SOCs under the Ministry of Public Enterprises.
- 7.3. There should be no limit as to who the subject of the whistleblowing report can be, as long as the information relates to the Department and the six SOCs. All the information provided should and must be handled in line with provisions of Protected Disclosure Act No 26 of 2000 and followed up accordingly.

- 7.4. There should be no limit to the scope permitted for reporting incidents (financial fraud, discrimination, nepotism, corruption, abuse of company resources, etc).
- 7.5. The service provider is expected to provide various platforms of reporting like email, SMS, WhatsApp and hotline.
- 7.6. Service Provider must deploy resources that include a call centre where calls will be answered and human resources capable of asking relevant question to source as much detail as possible from reported incidents.
- 7.7. The service provider must have the capability to assist whistle-blowers in all the official languages in the country with an added advantage of one official language from Mozambique to cater for SAFCOL's subsidiary company known as IFLOMA.

8. DELIVERABLES

- 8.1. Below are the minimum requirements that must be met in order to be considered for appointment as a service provider:
 - a) Provide a reliable, accessible and effective reporting platform that DPE employees, SOC employees, contractors and the general public can use to report any acts of wrongdoing concerning the Department or any of the six SOCs under the Ministry of Public Enterprises.
 - b) Provide for a 24-hours, seven days a week, 365 days hotline line that is available in all eleven official languages of South Africa.
 - c) Provide a dedicated toll-free number that will be permanently used by the Department beyond the tenure of the contract to ensure continuity as regulated by these terms of reference.
 - d) Handle the information provided through the hotline confidentially and protect the identity of the whistle blower(s) should they choose to remain anonymous.
 - e) Provide other various reporting platforms for ease of accessibility (e.g. web based, social media, WhatsApp, SMS, email, fax, walk-ins during office hours at service provider's premises and postal using service provider's address).
 - f) The reports should be issued per incident immediately after being recorded with a consolidated report issued once every month.
 - g) Provide for case referral system that is supported by a unique identifier per organisation in order to ensure ease of referral to the relevant SOC or authorities within the department.

- h) Provide for a tracking system and unique incident number that can be utilised
- i) by the whistle-blowers to track progress registered in responding to reported incidents; and to provide feedback or follow-up with the whistle-blowers without the need to expose their personal details or their identity.
- j) Categorise incidents in line with the nature of allegations reported in order to enable ease of trend monitoring.
- k) Possess proven track record and experience in handling sensitive and/or confidential information
- l) Be able to demonstrate your capacity and capability to properly record incidents as reported.
- m) Demonstrate the nature of incidents reports to be recommended for use by the Department.
- n) Recommend governance arrangements or protocols that must be observed when incidents are handled in the department or the SOC depending on the person implicated in the allegations.
- o) Provide training and awareness in order to enable the efficient and effective use of the system (i.e. on “train the trainer basis”).
- p) Be available to do presentation on the proposal to the department within a week of such a request being made should a need arise.
- q) In order to mitigate against conflict of interest risk, the service provider may not provide other services to the Department or the SOCs other than services concerning administration of a fraud hotline.
- r) Be available for a site inspection of your infrastructure as part of the bid evaluation criteria.
- s) Understand that all the information reported is the sole property of the Department and cannot be shared with any other third party during and after the duration of the contract.

9. PROJECT DURATION

- 9.1. The project’s duration is three (3) years, and the Department reserves the right to assess and review performance as it deems fit and to terminate it subject to contractual performance.

10. EVALUATION CRITERIA

10.1. In order to facilitate a transparent selection process that allows equal opportunity to all bidders, DPE has a Supply Chain Management policy that will be adhered to. Proposals will be evaluated in terms of the prevailing Supply Chain Management Request for Quotations policy applicable to DPE and it should be noted that proposals will be evaluated in three (3) phases namely, Mandatory evaluation, Site Inspection and Price and B-BBEE using the 80/20 formula (preference points system) as per the PPPFA 2017 Regulations.

10.1.1. Phase I: Mandatory Evaluation

- a) Bidders who comply with **all the mandatory requirements** will qualify to phase II -Site Inspection Evaluation

Table 1- Mandatory Evaluation

NO	DESCRIPTION	COMPLY	NOT COMPLY	COMMENTS
a)	B-BBEE Level 1-4			
b)	<p>Organisational experience and capability</p> <p>Demonstrate organisational capability to execute the project, including:</p> <ul style="list-style-type: none"> • Minimum of 5 years demonstrated experience in executing similar assignments in Public and Private sector. 			
c)	<p>Capacity and experience of a key personnel and the Project Lead.</p> <ul style="list-style-type: none"> • Project leader who will be the lead advisor to the Department must demonstrate requisite knowledge and experience in providing and managing Anti-Fraud and Corruption hotline with at least five (5) years' experience. Attach recent CVs and certified copies of 			

	<p>Qualifications not older than three (3) months.</p> <ul style="list-style-type: none"> Key Personnel that will form part of the project team must be submitted together with the proposal with at least three (3) years' experience. Attach recent CVs and certified copies of Qualifications not older than three (3) months. 			
d)	The proposed approach to the project and work plan must also be submitted.			
e)	<p>Minimum of three (3) relevant, contactable signed client references or testimonial letters from similar previous projects must be submitted.</p> <p>These references must be in the official letterhead of those clients and should contain the following information:</p> <p>The name of the client, contact details, address, and details of the project leader.</p> <ul style="list-style-type: none"> The name of the project that was rendered. Value of the contract. Duration of the contract; and Reference letter/s should not be more than five years old. 			

10.1.2. Phase II: Site Inspection Evaluation

a) Bidders who comply with **all Site Inspection requirements** will qualify to Phase III, Price and B-BBEE Level contributor

Table 2- Site Inspection Evaluation

NO	DESCRIPTION	COMPLY	NOT COMPLY	COMMENTS
----	-------------	--------	------------	----------

1.	Infrastructure with a fully functional and operational call-centre			
2.	Human resources to operate the call-centre			
3.	Various other reporting platforms like email, SMS, Social Media, Fax, Walk-ins			
4.	The successful bidder will need to demonstrate relevant experience in successfully executing similar projects.			
5.	Capacity to provide end to end services. Ability to operate the hotline 24/7/365			
6.	Commitment to Broad-based Black Economic Empowerment (BBBEE) and transformation.			
7.	Have multilingual capabilities to receive and engage with whistleblowers, preferably in all eleven (11) languages			
8.	Ensure protection and confidentiality of information and the whistleblowers;			

10.1.3. Phase III : Price and B-BBEE

- a) Bidder must complete the pricing schedule attached as **Annexure A**
- b) The average rate price for each services costed will be utilized to determine the bid price.
- c) The evaluation for Price and B-BBEE shall be based on the 80/20 PPPFA Principle and the points for evaluation criteria are as follows:

Table 3- Price and B-BBEE

CRITERIA	SUB-CRITERIA	WEIGHTING/ POINTS
Price	Detailed budget breakdown	80
B-BBEE (Status Level Verification Certificate)	B-BBEE Level Contributor	20
TOTAL		100

11. INSTRUCTIONS TO BIDDERS

11.1. Terms and Conditions

- a) DPE reserves, under exceptional circumstances, the rights to extend the closing date. All proposals and all subsequent information received from bidders will not be returned.
- b) The adjudication process does not represent a commitment on the part of the DPE to proceed further with that proposal or of any other bidder.

11.2. Changes to this RFQ document

- a) DPE reserves the right to make changes on this RFQ Document. All changes will be communicated to those bidders that have responded to the RFQ/ RFP. No reliance shall be placed on other information or comment from any other person.

11.3. Confidentiality

- a) Any information relating to the submissions, through the process or otherwise shall be treated in strict confidence.

11.4. Other matters

- a) DPE reserves the right not to enter into any relationship and no correspondence pertaining to submissions will be entered into.
- b) If DPE does not accept any proposal, it will declare this RFQ/ RFP call process closed and may then elect to:
 - Proceed on a completely different basis; and
 - Not to appoint any respondent in the event it deems proposals not appropriate.
- c) DPE will not accept any responsibility for costs incurred by bidders in preparing and submitting proposals.
- d) DPE reserves the right to engage in processes to validate all claims made in the proposal.

- e) DPE reserves the right to cancel the award if it is determined that the supplier/service provider recommended for award, has engaged in corrupt or fraudulent activities in competing for the contract in question. For the purposes of this RFQ/ RFP, "fraudulent practice" means a misrepresentation of facts in order to influence a selection process or the execution of a contract to the detriment of the accounting officer/authority and includes collusive practices among bidders/contractors (prior to or after submission of proposals) designed to establish prices at artificial, non-competitive levels and to deprive the accounting officer/authority of the benefits of free and open competition.

12. PAYMENT STRUCTURE

- 12.1. DPE undertakes to pay in full within thirty (30) days, all valid claims for work done to its satisfaction upon presentation of a substantiated claim/invoice.
- 12.2. Payments will only be made on the basis of the work completed (milestones/deliverables) as per the project implementation plan to be agreed at the inception of the project.

13. GENERAL

Below are compulsory requirements for this service:

- 13.1. It is important to note that the successful bidder will work under the supervision of a DPE representative, abide by DPE's Code of Conduct, and other organizational guidelines.
- 13.2. Kindly submit the following document:
- Valid B-BBEE Level of contribution or Sworn Affidavit Certificate issued by the following agencies SANAS, IRBA or CCA (Failure to attach certificate will lead to non- allocation of points)
 - Proof that tax matters with SARS are in order (SARS Pin Number/ Tax Clearance Certificate)
 - National Treasury Central Supplier Database Report
 - Completed and signed SBD forms

14. CONTACT DETAILS FOR INFORMATION

- 14.1. Further information regarding technical matters can be sent via email to philip.mphalo@dpe.gov.za or tel: 012 431 1053.
- 14.2. For information regarding supply chain matters, questions can be sent via email to: nhlakanipho.msane@dpe.gov.za or at tel: 012 431 1001.

15. SUBMISSIONS OF PROPOSALS

15.1. Proposals should be submitted on or before the **17 September 2021** by no later than **11h00** to the following email address: nhlakanipho.msane@dpe.gov.za

15.2. The selection of the qualifying bid/quotations will be at Department of Public Enterprise's sole discretion. Department of Public Enterprise does not bind itself to accept any bid/quotations and reserves the right not to appoint the bidder.

ANNEXURE A

PRICING SCHEDULE

(Professional Products and Services)

Note:

- 1 Bidder must complete the pricing as per the table below
- 2 All pricing will be according to the Scope of work
- 3 Line Prices are all **VAT EXCLUDING**, and **TOTAL PRICE** is **VAT INCLUSIVE**

The following pricing schedule needs to be completed in line with the required deliverables (where applicable) and return a part of the tender submission.

Service line	Service Description name	Unit Price	Total cost
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
	TOTAL EXCLUDING VAT		
	VAT		
	TOTAL INCLUSIVE VAT		

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 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

**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 ...80/20..... preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

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

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

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

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

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

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

5. BID DECLARATION

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

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

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

7. SUB-CONTRACTING

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

(Tick applicable box)

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

7.1.1 If yes, indicate:

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

(Tick applicable box)

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

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

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

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

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	Is the bidder or any of its directors listed on the National Treasury's database as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? To access this Register enter the National Treasury's website, www.treasury.gov.za , click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.	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

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/price quotation:

(Bid Number/price quotation and Description)

in response to the invitation for the bid/price quotation made by:

Department of Public Enterprises
(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/price quotation, 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/price quotation in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid/price quotation 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

SBD 9

6. The bidder has arrived at the accompanying bid/price quotation 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/quote 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