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## ORBIT TVET COLLEGE

**REQUEST FOR QUOTATION NO REQ 45576: PROVISION FOR A PANEL OF SERVICE PROVIDERS TO PROVIDE ELECTRICAL MAINTENANCE SERVICES AS AND WHEN REQUIRED FOR A PERIOD OF TWENTY FOUR (24) MONTHS AT RUSTENBURG CAMPUS.**

### 1. INVITATION

ORBIT TVET College – Rustenburg campus invites service providers to submit a written price quotation/proposal for Panel of Service Provider for Electrical Maintenance.

- 1.1 The quotation must be valid for 30 calendar days.
- 1.2 All prices should be VAT inclusive.
- 1.3 **No Compulsory briefing session will be held.**
- 1.4 Closing date of proposal is on **Monday, 07 April 2025 at 11H00am.**

Quotations must be emailed to: [scm@orbitcollege.co.za](mailto:scm@orbitcollege.co.za), Marked **REQ 45576: PROVISION FOR A PANEL OF SERVICE PROVIDERS TO PROVIDE ELECTRICAL MAINTENANCE SERVICES AS AND WHEN REQUIRED FOR A PERIOD OF TWENTY FOUR (24) MONTHS AT RUSTENBURG CAMPUS.**

**Failure to submit to the above stated e-mail address will automatically disqualify your proposal/quotation.**

### 1.5 **All enquiries must be directed to:**

Mr Clifford Sebopelo  
Tel 014 597 5584  
Email [csebopelo@orbitcollege.co.za](mailto:csebopelo@orbitcollege.co.za)

### 2. STATUTORY NON-TECHNICAL MANDATORY REQUIREMENT

2.1 (See attached specification for more info)

#### 2.2.1 TO QUALIFY FOR PREFERENTIAL POINTS

**Should you be recommended, you will be expected to submit an Original Sworn Affidavit of BBBEE Status Level or Original Certified Copy of a BBBEE certificate issued.**

### 3. TERMS AND CONDITIONS

- 3.1 No late submissions will be accepted.
- 3.2 Quotations should only be submitted to: [scm@orbitcollege.co.za](mailto:scm@orbitcollege.co.za).  
**(Failure to submit to the above stated e-mail address will automatically disqualify your proposal/quotation)**
- 3.3 Service Provider should note that should they be recommended to render the service needed they will be required to complete the College database form obtainable from the College website

([www.orbitcollege.co.za](http://www.orbitcollege.co.za)) in order for the College to issue official Purchase Order from the College system.

**4. EVALUATION CRITERIA**

**4.1 Price and Preferential Procurement**

The quotations will be evaluated on the 80/20 basis, where 80 points will be assigned for the lowest price and the 20 points based on the Preferential Procurement Status level Certificates



ORBIT TVET COLLEGE

**REQUEST FOR QUOTATIONS (RFQ): 45576**

**PROVISION FOR A PANEL OF SERVICE PROVIDERS TO PROVIDE ELECTRICAL MAINTENANCE SERVICES AS AND WHEN REQUIRED FOR A PERIOD OF TWENTY- FOUR (24) MONTHS AT RUSTENBURG CAMPUS**

<b>RFQ NUMBER</b>	<b>45576</b>
<b>RFQ ISSUE DATE</b>	<b>19 MARCH 2025</b>
<b>BRIEFING SESSION</b>	<b>N/A</b>
<b>RFQ DESCRIPTION</b>	<b>PROVISION FOR A PANEL OF SERVICE PROVIDERS TO PROVIDE ELECTRICAL MAINTENANCE SERVICES AS AND WHEN REQUIRED FOR A PERIOD OF TWENTY FOUR (24) MONTHS</b>
<b>CLOSING DATE &amp; TIME</b>	<b>07 APRIL 2025 at 11H00am.</b>
<b>LOCATION FOR SUBMISSIONS</b>	<b><u><a href="mailto:scm@orbitcollege.co.za">scm@orbitcollege.co.za</a></u></b>

**Bidders must submit responses via e-mail at: [scm@orbitcollege.co.za](mailto:scm@orbitcollege.co.za) , before on the stipulated date and time. For any queries or questions, please use above mentioned email address.**

The ORBIT TVET College requests your quotation on the services listed above. Please furnish us with all information as requested and return your quotation on the date and time stipulated above. **Late and incomplete submissions will invalidate the quote submitted.**

<b>SUPPLIER NAME:</b>	
<b>POSTAL ADDRESS:</b>	
<b>TELEPHONE NO:</b>	
<b>FAX NO:</b>	
<b>EMAIL ADDRESS:</b>	
<b>CONTACT PERSON:</b>	
<b>CELL NO:</b>	
<b>SIGNATURE OF BIDDER:</b>	

## **DETAILED SPECIFICATION**

### **PROVISION FOR A PANEL OF SERVICE PROVIDERS TO PROVIDE ELECTRICAL MAINTENANCE SERVICES AS AND WHEN REQUIRED FOR A PERIOD OF TWENTY - FOUR (24) MONTHS.**

#### **1. BACKGROUND**

ORBIT TVET College has four (4) SITES of operation. And ORBIT TVET College wish to obtain the panel of service providers to provide electrical maintenance services as and when required for a period of twenty-four (24) months.

To this end ORBIT TVET College invites suitably qualified, appropriately accredited, and interested bidders who have, and can demonstrate, the necessary capacity, to submit proposals and or quotations for the delivery of services as outlined in these terms of reference.

**Please Note:** Any provider that submits late will not be allowed to partake in the competitive bidding process.

#### **LOCATION OF SERVICES**

The SITE for rendering the service will be **Rustenburg Campus** situated at Corner Bosch & Fatima Bhayat Street, Rustenburg, 0299.

#### **2. SCOPE OF WORK**

##### **2.1 Electrical works**

- 2.1.1 Schedule and undertake periodic maintenance on all electrical equipment, components, and installations.
- 2.1.2 Provide prompt response to inquiries whenever there is a breakdown and resolve the issue as quickly as possible.
- 2.1.3 Ensure that equipment is in good working order so as to prevent disruption of activities.
- 2.1.4 Installation of new electrical components and fittings when necessary
- 2.1.5 Recommend replacement for old or faulty electrical components or fittings to management.
- 2.1.6 Perform annual energy efficiency audit.
- 2.1.7 Help the organization to reduce energy costs.
- 2.1.8 Fix and maintain lighting fixtures and fittings.
- 2.1.9 Troubleshoot electrical breakdowns and provide preventive maintenance services.
- 2.1.10 Take steps to prevent fire outbreaks by making appropriate recommendations to management.
- 2.1.11 Issue Certificate of Compliance (COC's) as required.

##### **2.2 Annual Preventative Electrical maintenance**

- 2.1.1 Testing and inspecting conditions
- 2.1.2 Recommending action measures

### 2.1.3 Providing certificates of compliance when necessary

All materials provided must be SABS approved and all construction related work must be carried out in line with SANS 10400 and be compliant with all construction building regulations in the country.

Qualified and experienced companies with thorough knowledge and expertise in the electrical maintenance will be required to carry out the work on a regular basis as well as in emergency situations as and when it is identified by ORBIT TVET College.

## 3. GENERAL REQUIREMENTS

- 3.1. The service provider must be registered with the Department of Labour to issue Certificate of Compliance (COC) and must be registered with
- 3.2. The service provider must be registered with Electrical Contractors Association South Africa ECA(SA)
- 3.3. The service provider shall ensure that its team has relevant expertise and provide diligent and necessary support to the College as and when required.
- 3.4. The service provider shall respond to call outs within 24 hours, of which emergencies must be attended to within 2 hours
- 3.5. The appointed service provider shall follow all statutory provisions and safety rules for carrying this work including but not limited to SANS and the OHS Act, no 85 of 1993
- 3.6. Any costs/damages incurred by the College because of gross negligence or poor workmanship, the service provider will be held liable for such costs.

## 4. AD-HOC REPAIRS

- 4.1. A detailed quotation will be requested from the successful bidder for the replacement of equipment and fittings as and when the need arises.
- 4.2. Upon receiving approval in writing (not necessarily a PO), the service provider must continue executing the work without delays.

## 5. AD-HOC REPAIRS

- 5.1. The panel of service providers will be required to enter into a Service Level Agreement for a period of twenty-four (24) months with the College with the **option of 1year renewal.**

## RECORDING KEEPING

5.2. All maintenance activities will be recorded and monitored. These records must be logged during each site visit.

## 6. EVALUATION PROCESS

This request for quotation will be evaluated in accordance with the Preferential Procurement Regulations. ORBIT TVET College will use a staged approach to evaluate the bids. The requirements of any given stage must be complied with prior to progression to the next stage.

ORBIT TVET College reserves the right to disqualify bidders without requesting any outstanding document/information.

### 6.1. Administrative Evaluation

During this stage of the evaluation, the bidders will be evaluated on whether they comply with the following:

- a) Complied with all the conditions of tender; and
- b) Submitted all mandatory documentation required.

A bidder who fails to comply with all the criteria below will be disqualified at this stage and will not be considered any further

The required mandatory administrative documentation includes the following:

<b>Mandatory Documents</b>	<b>Yes/No</b>
Duly completed ORBIT TVET College Service Provider declaration form (Certified by Commissioner of Oath)	
Certificate of Intellectual Property and Commission (CIPC) Registration Certificate from the Department of Trade and Industry (Certified)	
If applicable; a Joint Venture agreement (Certified)	
A Company Profile (company footprint must be included)	
Proof of registration as an electrical contractor with the Department of Labour Issued in the name of the company	
Proof of registration with the Electrical Contractors Association South Africa ECA(SA)	
Proof of registration with CIDB grade 1EB/1EP	
Letter of good standing (COIDA)	
Proof that the bidder's tax affairs are in order with SARS (e.g., Valid Tax Clearance Certificate/ Status Pin number document)	
Public liability insurance of R5 000 000.00 or more	

## 6.2. Functional Evaluation

Bidders who qualified for the previous stage(s) of the Evaluation will then be evaluated in terms of the functional requirements.

### Scoring Criteria:

- a) All bidders who met all the mandatory functional requirements will now be evaluated further on functionality.
- b) A minimum score of 80 points out of 100 will be required to pass the Functional Evaluation stage.
- c) ORBIT TVET College will analyse and assess functional capability and therefore the bidder should demonstrate the following:

<b>FUNCTIONAL EVALUATION CRITERIA</b>		
<b>CRITERIA</b>	<b>SUB-CRITERIA</b>	<b>POINTS</b>
<p><b>Company Experience:</b> Bidder must submit a company profile indicating the core activities and number of years the bidder has been providing similar services.</p> <p>The company profile must include the company organogram which will clear indicate resources names, responsibilities, and years of experience.</p>	<p>5 or more years of company experience = <b>30 points</b> 3 - 4 years of company experience = <b>20 points</b> 2 years of company experience = <b>10 points</b> Less than two years of company experience = <b>0 points</b></p>	30
<p><b>References:</b> Bidder must submit contactable reference letters from current/previous clients as evidence of previous related work previously successfully completed.</p> <p><b>NB:</b> The Reference Letter(s) must <b>not be older than 6 Months</b>, must be on the letterhead of the previously serviced client and should reflect at least the name of the client, title of the related work conducted, year(s) conducted and completed, contactable reference name and contact details, and be signed by the appropriate delegate. The Reference Letter should indicate the quality of the service rendered.</p> <p><b>Reference letter must be on client letterhead. (Attach signed contactable reference letters specifying the duration of the contract/s)</b></p>	<p>3 or more relevant reference letters attached = <b>20 points</b> 2 relevant reference letters attached = <b>15 points</b> 1 relevant reference letters attached = <b>10 points</b> Unsatisfactory reference letters attached/ no reference letters attached = 0 points</p>	20
<p><b>Membership</b></p> <p>Bidders must be registered with Electrical Conformance Board of SA or must be registered with Electrical Contractors Association (SA)</p>	<p>Proof of membership submitted = 20 points No proof of membership submitted = 0 points</p>	20
<p><b>Experience of the site supervisor:</b></p>	<p>&lt; 5 Years= 0</p>	15

<b>FUNCTIONAL EVALUATION CRITERIA</b>		
<p>Must have a minimum of five (5) years' experience in supervising Buildings, Electrical and Maintenance Services and post matric qualification/trade certificate.  <b>Provide a Copy of CV/Resume and Qualifications /Trade Certificate of the Site Supervisor, detailing the relevant years of experience.</b></p> <p><b>NB: Failure to attach detailed CV and Qualification/Trade Certificate will result in zero allocation of points.</b></p>	<p>5 to 10 Years= 5  &gt;10 to 15 Years= 10  Above 15 Years= 15</p>	
<p><b>Experience of the assigned artisan/plumber:</b></p> <p>Must have a minimum of five (5) years' experience in electrical maintenance services and post matric qualification /Trade Certificate.</p> <p><b>Provide copy of a CV/ Resume and Qualifications/Trade Certificate of the Site Artisan, detailing the relevant years of experience.</b></p> <p><b>NB: Failure to attach detailed CV and Qualification will result in zero allocation of points.</b></p>	<p>&lt; 5 Years=0  5 to 10 Years= 5  10 to 15 Years= 10  Above 15 Years= 15</p>	15
<b>TOTAL</b>		<b>100</b>

All bids that qualify for this stage of the evaluation process are considered acceptable bids/tenders and will then be evaluated on Price and B-BBEE.

### 6.3. Price and Specific Goals

Only bidders that passed the Functional Evaluation stage will be evaluated on price and specific goals.

The 80/20 preference point system will be applicable for this tender. The qualifying bids are evaluated in terms of 80/20 preference points systems, where 80 points must be used for price only and the 20 are used for specific goals as per PPPFA.

<b>Specific Goals</b>	<b>Points</b>
Historically Disadvantaged Individuals	5
Women	3
Disabled	3
Youth	3
<p>Locality</p> <ul style="list-style-type: none"> <li>• North West –Bojanala Platinum District=6 points</li> <li>• North West (Other Areas)= 4 points</li> <li>• Other Provinces= 2 points</li> </ul>	6
<b>Please provide municipal account/statement or lease agreement.</b>	
<b>Total Points</b>	<b>20</b>

#### 6.4. Pricing Schedule

Service providers must ensure that the price quotations are inclusive of all applicable taxes (including VAT). Costing must comprise of all the relevant services proposed in the bidder's submission.

Below is a pricing schedule as a when plumbing works required:

Item	Item Description	Unit	Rate
1	Percentage mark-up that will be added to material/equipment	%	
2	Total cost per hour per artisan to perform electrical repairs during normal working hours (Monday to Friday 08:00 to 16:30)	Rands per Hour	
3	Total cost per hour per supervisor to perform electrical repairs during normal working hours (Monday to Friday 08:00 to 16:30)	Rands per Hour	
4	Total cost per hour per artisan to perform electrical repairs after hours, during weekends and public holidays	Rands per Hour	
5	Total cost per hour per supervisor to perform electrical repairs after hours, during weekends and public holidays	Rands per Hour	

#### 7. CONTRACTUAL OBLIGATION

- 7.1. Contract duration 24 months for services as and when required with an **option of 1-year renewal.**
- 7.2. Replacements of parts will be approved first by the College before the supplier starts with the job.
- 7.3. All prices indicated in the pricing schedule must remain fixed for the period of the contract.
- 7.4. The contract will be capped a maximum contract value of R 300 000.00 (Including VAT)
- 7.5. In the case of the service providers using sub-contractors, the former will be responsible for ensuring delivery of services from any such sub-contractors and for making any payments to such sub-contractors
- 7.6. The successful bidder will be required to have adequate professional indemnity as well liability insurance in place.

## **8. MATERIAL AND SPARE PARTS**

ORBIT TVET College reserves the right to either purchase materials and spare parts for use by and to supply them to the contractor or alternatively to accept the materials and spare parts at prices submitted by the contractor as per this agreement, whichever proves to be the most economical for the College.

## **9. WARRANTY**

The supplier warrants that the goods supplied under the contract are new, unused, of the most recent or current models, and that they incorporate all recent improvements in design and materials unless provided otherwise in the contract. The supplier further warrants that all goods supplied under this contract shall have no defect, arising from design, materials, or workmanship (except when the purchaser's specifications require the design and/or material) or from any act or omission of the supplier, that may develop under normal use of the supplied goods in the conditions prevailing in the country of final destination.

This warranty shall remain valid for twelve (12) months after the goods, or any portion thereof as the case may be, have been delivered to and accepted at the final destination indicated in the contract, or for eighteen (18) months after the date of shipment from the port or place of loading in the source country, whichever period concludes earlier, unless specified otherwise.

The purchaser shall promptly notify the supplier in writing of any claims arising under this warranty.

Upon receipt of such notice, the supplier shall, within the period specified and with all reasonable speed, repair or replace the defective goods or parts thereof, without costs to the purchaser.

Suppose the supplier, having been notified, fails to remedy the defect(s) within the period specified. In that case, the purchaser may proceed to take such remedial action as may be necessary, at the supplier's risk and expense and without prejudice to any other rights which the purchaser may have against the supplier under the contract.

## **10. PAYMENTS**

The method and conditions of payment to be made to the supplier under this contract shall be specified.

The supplier shall furnish the purchaser with an invoice accompanied by a copy of the delivery note upon fulfilment of other obligations stipulated in the contract.

Payments shall be made promptly by the purchaser, but in no case later than thirty (30) days after submission of an invoice or claim by the supplier.

Payment will be made in Rand unless otherwise stipulated.

Payment will only be made if the supplier has filled in and submitted the necessary database application form to the satisfaction of the Chief Financial Officer.

**BID SPECIFICATION COMMITTEE APPROVED BY:**

HTaljaard

**Campus Manager:**

**Date:** 06/03/25

Allos

**Head of Admin:**

**Date:** 06/03/2025

## **SBD 4: DECLARATION OF INTEREST**

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

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

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

2.1 Full Name of bidder or his or her representative: .....

.....

Identity Number: .....

2.2 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....

.....

2.3 Company /Registration Number: .....

2.4 Tax Reference Number: .....

2.5 VAT Registration Number: .....

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

<sup>1</sup>"State" means –

(a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

(b) Any municipality or municipal entity;

(c) Provincial Legislature;

(d) National Assembly or the national Council of provinces; or

(e) Parliament.

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:  
.....  
.....

**PLEASE NOTE: TICK THE APPLICABLE BOX**

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 attach proof of such authority to the bid document?

YES		NO	
-----	--	----	--

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

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

.....  
.....  
.....

2.8 Did you or your spouse, or any of the company's directors / Trustees / shareholders / 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:

Name of person/ director/ shareholder/ member	Name of state institution to which the person is connected	Position occupied in the state institution	Nature of relationship

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?

<b>YES</b>		<b>NO</b>	
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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?

<b>YES</b>		<b>NO</b>	
------------	--	-----------	--

2.11.1 If so, furnish particulars:

.....

.....

.....

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

\* BIDDERS MAY ADD ADDITIONAL PAGES TO THIS SECTION:

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

**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.

Bidder's Name: .....

Position: ..... Date: .....

Bidder's Signature: .....

**SBD 8: DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

- 1 This Standard Bidding Document must form part of all bids invited.
- 2
- 3 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.
- 4
- 5 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
  
- 6 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
6.1	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"/>
6.1.1	If so, furnish particulars:		
6.2	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)?  <b>To access this Register enter the National Treasury’s website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, 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.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6.2.1	If so, furnish particulars:		

6.3	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"/>
6.3.1	If so, furnish particulars:		
6.4	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"/>
6.4.1	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.**

Bidder's Name: .....

Position: ..... Date: .....

Bidder's Signature: .....

## SBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Institution)

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

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

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

However, communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.

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

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

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

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

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

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

Bidder's Name: .....

Position: ..... Date: .....

Bidder's Signature: .....