

BROADBAND INFRACO SOC LTD

YOU ARE HEREBY INVITED TO SUBMIT A QUOTATION FOR COMPANY SECRETARY SERVICES

RFQ NUMBER:	7441
RFQ ISSUE DATE:	02 August 2019
RFQ CLOSING DATE:	13 August 2019 @ 12:00 noon
RFQ VALIDITY PERIOD:	30 days (COMMENCING FROM THE RFQ CLOSING DATE)
A FULL DESCRIPTION OF GOODS/SERVICES REQUIRED:	Request urgent services of the company secretary services for a period of 6 months
RESPONSES TO THIS RFQ SHOULD BE FORWARDED TO:	Supply Chain Management – Commercial Department Email: Zanele.Sibiya@infraco.co.za OR Tel: 011 235 1616
ENQUIRY: NAME:	Zanele Sibiya

Bidders must acknowledge receipt of this RFQ on the above contact details.

BIDDER:

REGISTRATION NUMBER:

ADDRESS:

CONTACT PERSON:

TEL:

FAX:

E-MAIL ADDRESS:

TERMS AND CONDITIONS OF REQUEST FOR QUOTATION (RFQ)

1. Broadband Infraco standard conditions of purchase shall apply.
2. No services must be rendered or goods delivered before an official Broadband Infraco Purchase Order form has been received.
3. Late and incomplete submissions will not be accepted.
4. Any bidder who has reasons to believe that the RFQ specification is based on a specific brand must inform Broadband Infraco before RFQ closing date.
5. Where applicable, Work will be carried out in terms of the OHS Act and regulations and therefore it is important for the bidders to include OHS compliance costs (i.e safety file for the recommended bidder will be approved by Broadband Infraco).
6. **Bidder is required to submit copy of Tax Clearance Certificate and verification information (PIN) to be used by Broadband Infraco to validate the copy on the SARS website for all price quotations exceeding the value of R30 000 (VAT included). Failure to submit the copy of valid Tax Clearance Certificate and verification information will result in the invalidation of this RFQ. It is the responsibility of the bidder to ensure that Broadband Infraco is in possession of the bidder's valid Tax Clearance certificate.**
The onus is on the bidder to ensure that Broadband Infraco receives a valid Tax Certificate as soon as the validity of the said certificate expires.
7. Bidders must attach valid BBBEE certificate, correct affidavit or valid exemption letters with the bid. **Copies must be certified.**
8. Bidders are required to complete Annexure A for all price quotations exceeding the value of R30 000 (VAT included).
9. This RFQ will be evaluated in terms of the 80/20 preference point system prescribed by the Preferential Procurement Regulations, 2017
10. All prices must be quoted in South African Rand (ZAR) and the foreign currency amount applicable must be stated. The bidder must indicate **clearly** which portion of the quoted price is linked to the exchange rate. The cost of installation, delivery, and **other** charges must be included in the total price quoted.
11. It is within Broadband Infraco's prerogative to award this bid in part/s or whole to one or more than one service provider based on the pricing and other technical consideration within the ambit of the law.
12. Broadband Infraco will only commence payment processes after fulfilment of the conditions contained in the contract and/ or on receipt of an invoice from the service provider and after such has been approved by the client division as representing the services received.
13. Payment of invoices will be effected on the last day of the calendar month following the calendar month of receipt of a correct and original invoice
14. Bidders who submitted information that is fraudulent, factually untrue or inaccurate, for example memberships that do not exist, BEE credentials, experience, etc will be disqualified.
15. Bidders will be disqualified if there are listed on prohibited register of bidders in National Treasury and register of tender's defaulters.

NB*, Please provide us with a detailed quotation on your company letterhead, indicating all the product specifications and indicate compliance (and any deviations) to the given specification

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DECLARATION BY BIDDER

I, the undersigned (NAME).....certify that :

- i. I have read and understood the conditions of this RFQ.
- ii. I have supplied the required information and the information submitted as part of this RFQ is true and correct.

.....

Signature

.....

Date

.....

Capacity:

EVALUATION CRITERIA

APPOINTMENT OF A SERVICE PROVIDER FOR PROVISION OF COMPANY SECRETARY SERVICES TO BROADBAND INFRACO SOC LIMITED FOR A PERIOD OF SIX (6) MONTHS.

1 THE SCOPE OF WORK FOR THE COMPANY SECRETARY SERVICES IS AS FOLLOWS

- Strategic support to the office of the Chairperson and the Chief Executive Officer in execution of Company Secretariat functions
- Ensuring that Board and subcommittee minutes are properly recorded and distributed timeously
- Management of Shareholder / Board Meetings, approvals and filing together with the preparations of Board packs
- Minuting Shareholder / Board meetings & Board subcommittee meetings
- Facilitating signature of Board legal documents by relevant stakeholders
- Liaise and facilitate engagements with the office of the Chairperson and the Shareholders
- Prepare and take minutes during the AGM
- Maintenance of statutory files
- Advising stakeholders on compliance with Company Act and Regulations
- Advising stakeholders on compliance with good corporate governance in terms of King IV
- Ensuring that approved AFS are disseminated to all relevant stakeholders
- Maintain confidentiality of all Board documentation and Board minutes
- Ensure compliance with the CIS professional standards

2 EXPECTED OUTCOMES AND DELIVERABLES

- **The resource/s allocated to the company must have the following competencies**
 - Ability to effectively provide strategic support the office of the Chairperson and the Chief Executive Officer
 - Ability to follow up on meeting resolutions and ensure stakeholder adherence to Board and subcommittee resolutions incl shareholder resolutions
 - Through knowledge of the Company Secretariat functions
 - Exceptional knowledge and skills in meeting procedures and protocols
 - An understanding of the Public Finance Management Act, Companies Act, applicable regulations and Corporate Governance practices and principles
- Ability to effectively advise and guide the Board in its decision-making processes.

JOB PROFILE

1. POSITION DETAIL

CURRENT JOB TITLE	Company Secretary	JOB GRADE	E1
PROPOSED JOB TITLE			
JOB CODE	SEC/120		
DEPARTMENT	CEO's Office		
DATE REVIEWED	24 April 2014		
LOCATION	Country Club Estate, Woodmead		
EMPLOYMENT STATUS	Permanent		
PURPOSE STATEMENT			
To provide corporate governance and company secretariat functions to Broadband Infraco and render an effective one stop service to the Board of Directors and all Board committees. Responsible to the Board for all Secretarial and Statutory functions and duties within the organisation as required by the Companies Act, corporate governance guidelines, best practices (industry and international), and other statutes and by-laws.			
POSITION IN THE ORGANISATION			
2ND LINE MANAGER (2ND LEVEL)	Board		
1ST LINE MANAGER (1ST LEVEL)	Chairperson (Functional) CEO (administratively)		
POSITION	Company Secretary		
SUBORDINATE (1ST LEVEL)	Manager: Secretariat, Committee Secretariat, Secretariat Administrator		
SUBORDINATE (2ND LEVEL)	N/A		
SUBORDINATE POSITIONS			
<i>Please provide job titles of subordinates and total number of employees per job title (organogram can be inserted)</i>			
First level subordinates:			
<ul style="list-style-type: none"> • 3 			

2. POSITION DESCRIPTION

MAIN OUTPUTS AND RESPONSIBILITIES FOR THIS POSITION – (Please provide a short description under each heading/output)	TIME SPENT
<p>1.Strategic Role</p> <ul style="list-style-type: none"> • Participate and give input in the development of the Company governance strategy. • Provide Board of Directors with guidance to discharge their duties, and responsibilities in the best interest of the company. • Remain the source of advice to the Board and within the company on matters of ethics and good governance. • Ensure that the Board is aware of any new laws relevant to or any changes in the legislation that might affect the operations of the organization. • Report to the Board any non-compliance with Memorandum of Incorporation (MOI) or regulations by the organization. • Facilitate the evaluation of the Board committees and Directors. • Ensure the preparation and distribution of the organisation's Annual Financial Report to relevant parties. 	<p>15%</p>
<p>2. Stakeholder management and Communication</p> <ul style="list-style-type: none"> • Assist the Chairman and the CEO with the compilation of the annual calendar and the approved plan and ensure timeous circulation to Board members. • Convene and communicate the Annual General Meeting dates and facilitate proceedings of the Board and other committees such as HRRC, Social Ethics, Tender & Procurement, Audit and Risk & Compliance. • Ensure the Board receives information required to make informed and effective decisions. • Communicate Board's decisions to the sub-committees, EXCO and BBI. • Resolve shareholders queries and embrace shareholder relations. • Act as an Information Officer and liaise between the Shareholders, the Board and the Portfolio Committee and provide all information that is required. • Manage company reputation by acting as a liaison between BBI and other third parties pertaining company information. • Prepare submissions to DPE, Treasury and other national departments as and when required. 	<p>15%</p>

MAIN OUTPUTS AND RESPONSIBILITIES FOR THIS POSITION – (Please provide a short description under each heading/output)	TIME SPENT
<p>3.Ensure adherence to Corporate Governance</p> <ul style="list-style-type: none"> • Advise and support the Board and its sub-committees in the effective governance of the Company (PFMA, Companies Act, King III and other applicable legislation) • Remain vigilant and watch whether the Board is acting in the best interest of the Company and advice on mitigating actions. • Manage conflict of interest and be the custodian of the Code of Ethics policy approved by the Board. • Develop a mechanism to cascade the process by facilitating workshops to promote awareness of the policy by all employees within the organization. • Monitor progress and report on the effectiveness of the process and adherence thereto. • Promote transparency, responsibility, fairness and accountability within the Board and all associated sub-committees of the Board. • Devise and develop a mechanism that eliminates any deviations from the stipulations of the Companies Act. • Provide corporate governance input pertaining to the status of shareholding, and conducting corporate governance risk analyses. • Support EXCO and Board accounting processes such as audit queries, PFMA requirements and reporting on the regulators activities and budget reviews. Develop a mechanism to cascade the process by facilitating workshops to promote awareness of the policy by all employees within the organization. • Monitor progress and report on the effectiveness of the process and adherence thereto. • Promote transparency, responsibility, fairness and accountability within the Board and all associated sub-committees of the Board. • Devise and develop a mechanism that eliminates any deviations from the stipulations of the Companies Act. • Provide corporate governance input pertaining to the status of shareholding, and conducting corporate governance risk analyses. • Support EXCO and Board accounting processes such as audit queries, PFMA requirements and reporting on the regulators activities and budget reviews. 	15%
<p>4. Provision of Secretariat and chief administrator duties.</p> <ul style="list-style-type: none"> • Perform the secretariat role to EXCO, the Board and sub-committees of the Board, and ensure they have Terms of Reference (ToR) aligned to rules and regulations that exist. 	15%

MAIN OUTPUTS AND RESPONSIBILITIES FOR THIS POSITION – <i>(Please provide a short description under each heading/output)</i>	TIME SPENT
<ul style="list-style-type: none"> • Ensure that minutes of Shareholders, the Board, EXCO and any other committees of the Board are properly recorded and circulated in a timely manner. • Effective management and administration of Board meetings. • Design the Board agenda to be relevant and pertinent to the organisation's business imperatives. • Proper recording, approval and circulation of minutes. • Develop and manage the Secretariat manual. Coordination and administration related to Board resolutions and follow up actions. • Coordinate the preparation and approval of the Annual Report for BBI including publishing of the document. • Develop a structure to ensure that the Board obtains information that is filtered to it from subsidiaries in management, and that decisions made by the Board are filtered down to management and subsidiaries. • Management of records by remaining the custodian of all Board information and register all submissions relating to the PFMA, strategic correspondence and submissions to shareholders and stakeholders (DPE, IDC, Financial institutions, Parliamentary Committee, general public, etc. • Submit Applications for National Treasury and ensure they comply with Government statutes e.g. Section 54. <p>5. Lead and manage staff</p> <ul style="list-style-type: none"> • Assess the specific training needs of the Board members and the Executive management in their fiduciary and other governance responsibilities. • Inform Shareholders of any skills gaps identified on the Board. • Orientation and Induction of the Board. • Provide ongoing training and development of the Board. • Ensure that sufficient staff is available and properly trained. • Recruit staff members for the division. • Prepare performance management contracts on an annual basis. • Provide coaching, mentoring and guidance to reporting staff. • Identify any training requirements of reporting staff and ensure that these requirements are met. • Guide staff in career development. • Address any disciplinary issues. • Create succession plans for direct reporting staff. • Ensure that managers' skills are updated regularly. 	<p>10%</p>

MAIN OUTPUTS AND RESPONSIBILITIES FOR THIS POSITION – <i>(Please provide a short description under each heading/output)</i>	TIME SPENT
<p>6. Financial Management</p> <ul style="list-style-type: none"> • Develop and manage budget for the department including the Board. • Ensure compliance to PFMA, Treasury regulations, Procurement and Supply chain management. • Review the budget and management of labour cost. 	5%
<p>7. Compliance</p> <ul style="list-style-type: none"> • Ensure compliance and alignment with relevant legal requirements affecting BBI's environment with reference to King III, Company's Act, etc. • Liaise with external stakeholders (regulators and auditors) pertaining to statutory compliance. • Source of guidance and advisory role to the Board on legislation and governance issues. • Coordination of BBI's decision making and reporting processes (Delegation of Authority matrix) • Develop and implement Secretariat Policies, procedures and processes • Coordinate and manage Risk and Audit queries • Ensure alignment to best practice • Ensure that general declarations of interests register conflicts of interest and gift registries are documented and kept up to date. 	15%
<p>8. Reporting</p> <ul style="list-style-type: none"> • Submission of statutory reports and shareholder compact timeously. • Safe keeping and Filing of Board resolutions sequentially and ensure accurate reflection and correspondence to the minutes. • Ensure each committee has a report to be tabled at the next meeting and ensure the Board engages properly. 	10%
TOTAL	100 %

3. JOB EVALUATION CRITERIA

A) KNOWLEDGE AND SKILLS	
FORMAL EDUCATION	<ul style="list-style-type: none"> • Law Degree • Post graduate qualification preferably
TECHNICAL/ LEGAL CERTIFICATION	<ul style="list-style-type: none"> • CIS qualification • Training in corporate governance and business administration
EXPERIENCE	<ul style="list-style-type: none"> • 5 years' minimum relevant experience in a large/complex regulatory environment • 3 years legal background • 3 years management experience

4. COMPETENCIES

COMPETENCIES		
KNOWLEDGE	SKILLS	ATTITUDES
Corporate Governance	Strategic Capability and Leadership	Shared values
Risk Management	People Management and Empowerment	Ability to motivate others
Business Acumen	Reporting	Influencing
Statutes	Change Management	Accountability
Board processes and procedures	Communication	Honesty and integrity
Financial management	Planning	Client Orientation and Customer Focused
Strategic Planning	Problem Solving and Analytical	
Business Acumen	Creativity and Innovation	
	Knowledge management	
Treasury Regulations, PFMA, Company's Act	Systems thinking	

5. OTHER SPECIAL REQUIREMENTS

<ul style="list-style-type: none"> • Willing to work irregular hours.
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B) DECISION MAKING

What are the most regular and complex challenges in the job? Please provide a couple of examples of regular problems that need to be resolved and not ad hoc scenarios or cases. Also indicate how these problems or challenges will be resolved.

Please name the resources utilised by the jobholder to solve problems or make decisions, e.g. the internet, manuals, policies, procedures, external resources, etc.

- Computer
- Software
- Vehicles
- Mobile phone
- Emails

Please provide the typical planning cycle of the job – macro as well as micro planning, e.g. macro – 3 – 5 years and micro – 1 year. Also provide examples to elaborate on the answer.

- Macro – 6-12months
- Micro – 3 – 5 years

How long will it normally take before the impact of the judgement calls made by the jobholder will be felt in the business?

- .immediately

What type of practices, procedures, policies, systems or outputs does the jobholder influence or change in his/her role– operational, tactical or strategic? Please apply the 60/40 rule and provide examples to elaborate on the answer.

- Strategic – 40%
- Tactical – 40%
- Operational – 20%

C) ACCOUNTABILITY

What type of decisions can the jobholder take within his/her area of accountability and what type of decisions will typically be referred to the direct manager for sign off? Please provide a couple of examples of regular decisions/problem solving or judgement calls and not ad hoc scenarios or cases.

Jobholder accountability

- Act as EXCO and Board Secretary
- Management of meetings of EXCO, BOARD and sub-committees
- Communication in accordance with the Delegation of Authority
- Project Management

Referral to Line Manager for approval

- As per the Delegation of Authority

D) COMMUNICATION

Please provide examples on the context, range and complexity of subject matters being communicated by the jobholder as well as the context, format and process of communication used to reach the target audience. Please refer to both verbal and written communication.

(Concentrate on issues that make the communication process complex, e.g. communicating information to an audience that is not familiar with the concepts and technology, communicating to an audience that has their own opinions and the subject matter is of such a nature that no single interpretation can definitely be shown to be correct and the jobholder has to persuade the audience under these circumstances of what he/she thinks the best practice is, etc.)

- Verbal: - Media Relations, Political Relations, Stakeholder Relations
- Written: Publications, Media releases and Shareholder submissions

APPROVED BY DIRECT LINE MANAGER

Signature: _____ Date: ____ / ____ / 20____

APPROVED BY DIVISIONAL HEAD

Signature: _____ Date: ____ / ____ / 20____

CONFIRMED BY INCUMBENT

Signature: _____ Date: ____ / ____ / 20____

VALIDATED BY HR EXECUTIVE / MANAGER: OD, LEARNING & PERFORMANCE

Signature: _____ Date: ____ / ____ / 20____

3 BID EVALUATION METHODOLOGY

Points will be allocated for evaluation criteria as discussed in this RFQ. Bidders will be evaluated in terms of the PPPFA Act 2000 and regulations of 2017. The Evaluation will be done in four (4) stages, namely: Mandatory administrative requirements, evaluation criteria, presentation and commercial evaluation.

3.1 PHASE 1 - MANDATORY ADMINISTRATIVE REQUIREMENTS.

Table 1 - Below follows a list of mandatory and technical requirements (gatekeepers):

2.2.1 Completion and Submission of Invitation to Bid – SBD 1	Comply	Not comply
Bidder(s) must provide completed SBD 1 – Invitation to Bid		
2.2.2 Completion and submission of SBD 4.	Comply	Not comply
Bidder(s) must provide completed SBD 4 – “Declaration of interest”.		
Substantiate/Comment		
2.2.3 Completion and submission of SBD 6.1	Comply	Not comply
Bidders must provide completed SBD 6.1 – “Preference Points Claim form in Terms of The Preferential Procurement Regulations 2017”.		
Substantiate/Comment		
2.2.4 Completion and submission of SBD 8.	Comply	Not comply
Bidder(s) must provide completed SBD 8 – “Declaration of bidder’s past SCM Practices”.		
Substantiate/Comment		
2.2.5 Completion and submission of SBD 9.	Comply	Not comply
Bidder(s) must provide completed SBD 9 – “Declaration of bidder’s independent bid determination”.		
Substantiate/Comment		
2.2.6 National Treasury Central Supplier Database (CSD).	Comply	Not comply
With effect from 1 April 2016, accounting officers and accounting authorities may not award any bid to a supplier/service provider not registered as a prospective supplier on the National Treasury’s Central Supplier Database.		
Bidder is required to provide Broadband Infracore with the Central Supplier Database Master Registration Number (MAAA number) or bidder’s CSD report.		
Substantiate/Comment		
2.2.7. National Treasury Listed of Restricted suppliers.	Comply	Not comply
No bid will be awarded to a person or company who has been listed in the National treasury lists of restricted service provider/suppliers as updated by National treasury.		
Substantiate/Comment		

**** Bidders who fail to provide any of the required mandatory documents will be disqualified from further evaluation process).***

3.2

PHASE 2 - FUNCTIONALITY EVALUATION CRITERIA

Sub-Criteria	Description	POINT
Company Experience in rendering company secretariat services.	<p>A minimum of 5 years Company Secretariat experience of which 3 years must be in the Public Sector or State-Owned Companies.</p> <p>Contactable and signed references from clients on similar work of Company Secretariat (reference letter must be on the company letterhead).</p> <ul style="list-style-type: none"> • 1 – 2 contactable reference letter/s = 5 points • 3 – 4 contactable reference letter/s = 10 points • 5 and above contactable reference letter/s = 20 points 	20
Qualifications for Senior Company Secretariat Consultant	<p>The Senior Company Secretariat must have one of the following qualifications:</p> <ul style="list-style-type: none"> • Degree (NQF 7) in business, law, accountancy or public administration = 5 points • Postgraduate qualification (NQF 8) in business, law, accountancy or public administration = 8 points • Membership: Chartered Institute of Secretariat (CIS) an advantage = 2 points 	15
Experience of Senior Company Secretariat Consultant	<p>Senior Company Secretary must have at least 10 years' experience in Company Secretary services (CV's must clearly indicate the number of years of experience in company secretary services)</p> <ul style="list-style-type: none"> • Less than 10 years' experience in company secretariat = 0 points • 10-15 years of experience in company secretariat = 5 Points • 15 or more years of experience in company secretariat = 20 points 	20
Qualifications for Assistant Company Secretariat Consultant	<p>The Assistant Company Secretariat must have one of the following qualifications:</p> <ul style="list-style-type: none"> • Degree (NQF 7) in business, law, accountancy or public administration = 5 points • Membership: Chartered Institute of Secretariat (CIS) an advantage = 2 points 	7

Experience of Assistant Company Secretariat Consultant	Assistant Company Secretary must have at least years' experience in Company Secretary services (CV's must clearly indicate the number of years of experience in company secretary services) <ul style="list-style-type: none"> • Less than 5 years' experience in company secretariat assignment = 0 points • 5 or more years of experience in company secretariat = 8 Points 	8
Total		70

Only bidders who achieve functionality points of 45 out of 70 possible points will be evaluated further through presentation attended by relevant stakeholders.

3.3 PHASE 3. PRESENTATION

<p>The Presentation should cover;</p> <ul style="list-style-type: none"> • the Role of the Company Secretariat in terms of The Company's Act, Act No 71 of 2008 and Regulations 71 of 2018 and the Public Finance Management Act. 1 of 1999 • Should not be longer than 15 slides and not more than 30 minutes. • There will be 10 minutes engagements including Q & A session. • The presentation will be conducted with the top two highest scoring companies.

3.4 PHASE 4 - PRICE & PREFERENCE EVALUATION (80/20 POINTS SCORING AS PER PPPFA 2000 AND REGULATION 2017).

Acceptable bids will be evaluated for price and preferences according to the 80/20 Preferential Point Scoring System.

- Only bidders who have submitted a valid original or certified copy of the B-BBEE certificate, letters from registered accounting officers/auditors, sworn affidavits for QSEs and EMEs or valid consolidated JV B-BBEE certificates will qualify for points as per table of points below:

Table 5: Preference points table

B-BBEE STATUS LEVEL OF CONTRIBUTOR	NUMBER OF POINTS (80/20 SYSTEM)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant	0

STANDARD BIDDING DOCUMENT 1 - PART A: INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF BROADBAND INFRACO (SOC) LTD					
BID NUMBER:	RFQ 7441	CLOSING DATE:	13 August 2019	CLOSING TIME:	12H00
DESCRIPTION	Request urgent services of the company secretary services for a period of 6 months				

BID RESPONSE DOCUMENTS MUST BE SUBMITTED THROUGH EMAIL.

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					
TAX CLEARANCE NUMBER					
		TCS PIN:		OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE (TICK APPLICABLE BOX)	<input type="checkbox"/> Yes			B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes
	<input type="checkbox"/> No				<input type="checkbox"/> No
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX			<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)	
			<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)	
			<input type="checkbox"/>	A REGISTERED AUDITOR	
			NAME:		
[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 PART B:3 BELOW]	
<i>SIGNATURE OF BIDDER</i>			<i>DATE</i>	
<i>CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)</i>					

PART B: TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:								
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE</p> <p>1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</p> <p>1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</p> <p>1.5. 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 LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.</p>								
2. TAX COMPLIANCE REQUIREMENTS								
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER AND PROOF MUST BE PROVIDED.</p>								
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS								
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; padding: 5px;">3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</td> <td style="padding: 5px;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td style="padding: 5px;">3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?</td> <td style="padding: 5px;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td style="padding: 5px;">3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</td> <td style="padding: 5px;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td style="padding: 5px;">3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?</td> <td style="padding: 5px;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> </table> <p style="margin-top: 10px;">IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</p>	3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO							
3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO							
3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO							
3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO							

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

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 an advertised competitive bid, a limited bid, a proposal or written price quotation). 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, member):
.....

2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:
.....

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 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.

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

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 **YES/NO**

of this bid?
 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 Income Tax Reference Number	State Employee Number / Pearsal 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 SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
 Signature Date

Position Name of bidder
**SBD 6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL
 PROCUREMENT REGULATIONS 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 **not exceed** R50 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable; or
- b) The 80/20 preference point system will be applicable to 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	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
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:

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

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:

- 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 last 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 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:.....

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

8.9 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.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

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

CERTIFICATION

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

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(RFQ 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 Service Provider)

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 Service Provider to sign this Certificate, and to submit the accompanying bid, on behalf of the Service Provider;
4. Each person whose signature appears on the accompanying bid has been authorized by the Service Provider to determine the terms of, and to sign the bid, on behalf of the Service Provider;
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 Service Provider, whether or not affiliated with the Service Provider, 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 Service Provider and/or is in the same line of business as the Service Provider
6. The Service Provider 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 Service Provider, 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 Service Provider