



## **FREE STATE DEVELOPMENT CORPORATION**

**PROVISION OF PHYSICAL SECURITY SERVICES AT MALUTI A PHOFUNG SPECIAL ECONOMIC ZONE**

**BID NUMBER: FDC BID NO. 005/2020**

**COMPULSORY BRIEFING SESSION: N/A**

**CLOSING DATE: 28 AUGUST 2020 AT 12:00**

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**PREPARED BY:**

FREE STATE DEVELOPMENT CORPORATION

33 KELLNER STREET

WESTDENE BLOEMFONTEIN

9301

**TECHNICAL CONTACT PERSON: CATHERINE MOTSI**

**SUPPLY CHAIN MANAGEMENT CONTACT PERSON: NTOMBI MTIMKULU**

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YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (FREE STATE DEVELOPMENT CORPORATION)					
BID NUMBER:	FDC BID NO.FDC BID NO. 005/2020	CLOSING DATE:	28 AUGUST 2020	CLOSING TIME:	12:00
DESCRIPTION	PROVISION OF PHYSICAL SECURITY SERVICES AT MALUTI A PHOFUNG SPECIAL ECONOMIC ZONE, HARRISMITH				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	NTOMBI MTIMKULU		CONTACT PERSON	CATHERINE MOTSI	
TELEPHONE NUMBER	051 400 0800		TELEPHONE NUMBER	051 400 0800	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	scmqueries@fdc.co.za		E-MAIL ADDRESS	catherinemotsi@gmail.com	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX]  <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX]  <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES, ANSWER THE QUESTIONNAIRE BELOW ]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					

	YES	NO
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/>	<input type="checkbox"/>
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/>	<input type="checkbox"/>
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/>	<input type="checkbox"/>
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/>	<input type="checkbox"/>
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/>	<input type="checkbox"/>

**IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.**

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## **PART B TERMS AND CONDITIONS FOR BIDDING**

### **1. BID SUBMISSION:**

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

### **2. TAX COMPLIANCE REQUIREMENTS**

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE [WWW.SARS.GOV.ZA](http://WWW.SARS.GOV.ZA).
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

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

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

(Proof of authority must be submitted e.g. company resolution)

DATE: .....

## REQUEST FOR PROPOSAL

# **THE APPOINTMENT OF A SERVICE PROVIDER TO RENDER SECURITY SERVICES FOR MAP SEZ**

## **Introduction**

### **1.0 OVERVIEW OF THE MAPSEZ**

The MAP-SEZ was designated as an Industrial Development Zone (IDZ) by the DTI in September 2015 and subsequently converted to a Special Economic Zone (SEZ) after the promulgation of the Special Economic Zone Act no 16 of 2014 in February 2016. On the 18<sup>th</sup> of April, the Entity was officially awarded the Special Economic Zone Operator Permit and the Free State Development Corporation (FDC) was awarded the SEZ License.

The main objective of the MAP-SEZ is to attract foreign and direct investment and to stimulate the local economy as well as creating permanent and temporary work opportunities for the people of the Free State as whole, in particular the Maluti-A-Phofung region.

The Zone is nested on 1038 hectares of land in Tshiame, Harrismith. The security services required are confined within the Zone in Harrismith.

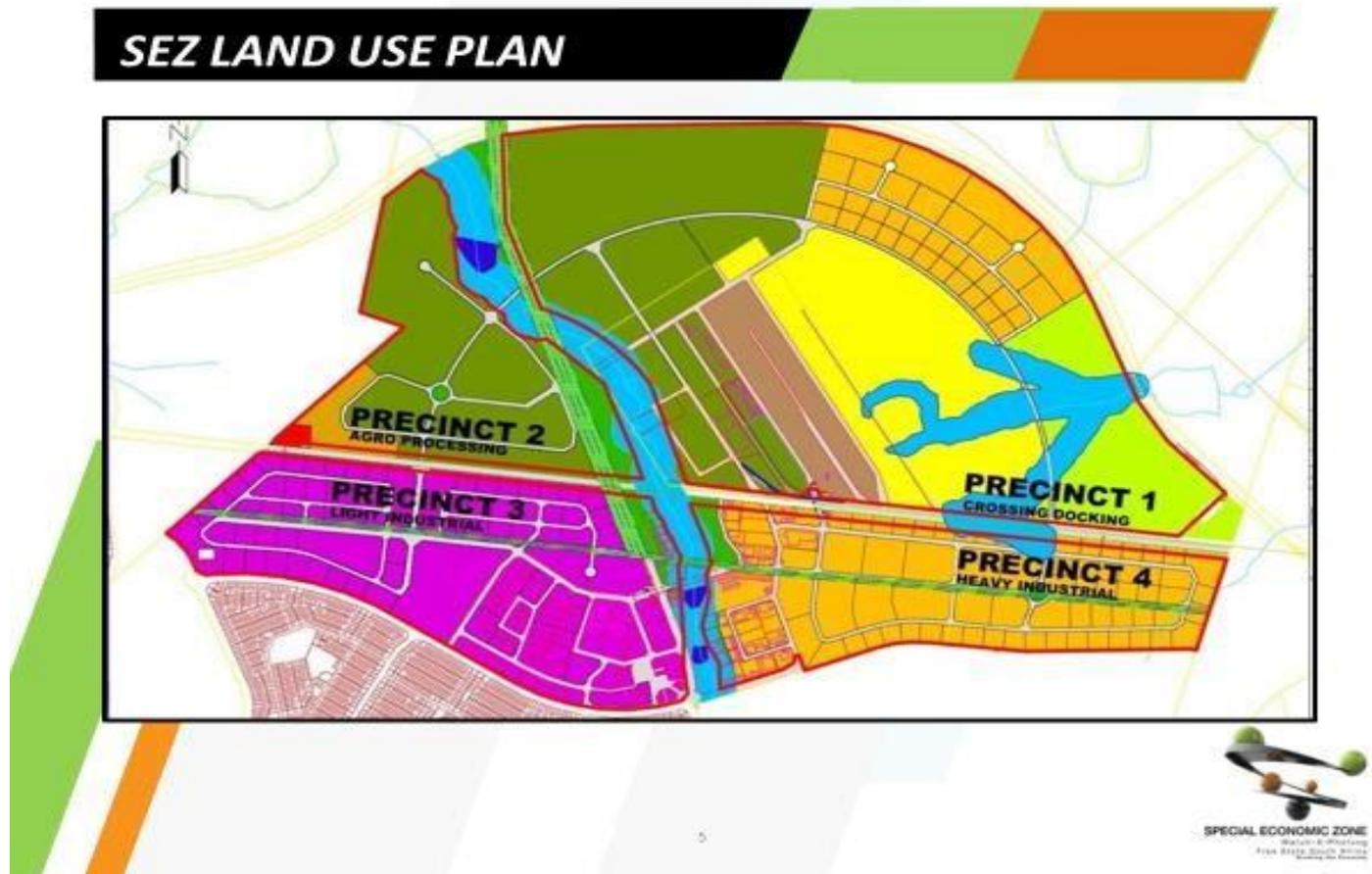
### **1.1 Major Products and Services**

The MAPSEZ currently has around 25 Factories operating inside the Zone. The MAPSEZ is designated to attract investors in the following Sectors:

- a) Automotive Sector
- b) Agro Processing
- c) Logistics
- d) Food Processing
- e) General Processing
- f) Information Technology & Communication

The commercial services, which MAPSEZ provides in competition with other private waste management companies, comprise of the collection and treatment of healthcare risk waste, bulk collection services, the collection and disposal of waste, composting, recycling activities, providing services for special events and the operation of landfill sites. The table below categories MAPSEZ main product/service offerings:

## 1.2 Area of Operations



## 2. PURPOSE OF CONTRACT

2.1 The purpose of this contract is to procure Service Providers who are registered with Private Security Industry Regulation Authority (PSIRA) to provide physical security services and armed response 24/7/ 365 days to the MAPSEZ.

## 3. NATURE OF CONTRACT

3.1 The duration of the contract will be one-year (Please note that the MAPSEZ is in the process of obtaining a Customs Controlled Area permit (CCA) from SARS. Once this is achieved the security measures required at the Zone will be dictated by the permit conditions and requirements.)

3.2 MAPSEZ reserves the right to award the contract in whole or in part for some of the sites, or not to award at all.

3.3 The Contractor shall employ every lawful means to prevent loss of property through damage, theft, fire sabotage and other occurrences by providing the following Security Services:

### **3.3.1 Access Control:**

Access Control shall include but not be limited to monitoring entering and exiting of vehicles and Persons into MAPSEZ property inclusive of unauthorized removal of MAPSEZ properties.

### **3.3.2 Patrolling duties:**

Patrolling duties shall include physical patrolling of the MAPSEZ properties.

The service provider must also install and maintain the patrol management points/system for each and every site as follows:

Head Office – 2 patrol points

Entire MAPSEZ Park – 9 patrol points

The service provider shall generate weekly reports and submit to MAPSEZ delegated Manager.

### **3.3.3 Panic Buttons**

The service provider must provide working panic buttons at all sites. The panic buttons must be linked to the security control room of the service provider.

### **3.3.4 Guard Duties:**

Guard duties shall include but not be limited to physical guarding of MAPSEZ assets and properties.

### **3.3.5 Protection Duties:**

Protection Duties shall include but not be limited to escorting MAPSEZ personnel as and when required.

### **3.3.6 Assistance with labour unrest:**

Assistance with labour unrest shall include but not be limited to provision of additional security officers during labour unrest and crowd and riot control. The security officers must be skilled and qualified to handle out of control crowds. The service provider must be able to provide the service at short notice.

### **3.3.7. Key Control:**

Key Control shall include but not be limited to safekeeping of keys, opening and locking of entrances. MAPSEZ shall hold

the Contractor responsible for losses that occur because of lack of key control by the Security Officers. The successful bidder will be required to hold third party liability insurance in the amount of R1 million to cover these losses and other third-party liabilities.

### **3.3.8 Armed response:**

Armed response shall include but not limited to armed response to raised alarms to the bidders control room which must be supported by armed response

### **3.3.9 Patrol car visit:**

### **3.3.10 Performance Management System:**

In our quest to make MAPSEZ a safe and secure place to work in, we are constantly striving to improve our security and ensure that the highest levels of performance are achieved by our security provider. As part of ensuring that performance levels are maintained, a Performance Management System will be included in the security

service contract. This security performance management system will allow MAPSEZ to assess/manage the performance and the services rendered by the security service provider on a monthly basis. This approach further provides grounds for penalizations for none compliance to performance expectations for up to a maximum of 25% per site of the monthly service fees. On a yearly basis the security service provider would be expected to score a 75% average on the performance assessments, failing to do so MAPSEZ reserves the right, without liability and without prejudice to any other remedies it may have, to terminate the contract within a three-month notice period

## QUANTITY REQUIREMENTS

Site	Dayshift Guards	Nightshift Guards	Patrol	Panic Buttons	Security Registers
	Grade C	Grade C			
1. Gate Entrance 1	3	2	0	1	Yes
2. Gate Entrance 2	3	2	0	1	Yes
3. Gate Entrance 3	3	2	0	1	Yes
4. MAPSEZ Park Periphery	2	4	4	0	Yes
5. Head Office	1	1	0	1	Yes
<b>Total</b>	<b>12</b>	<b>11</b>	<b>4</b>	<b>4</b>	
<b>One Grade A Site Manager reporting at MAPSEZ Head Office</b>					
Each supervisor (Grade B) must visit each site for a minimum of three times per shift.					

4.1. It is expected that the successful Tenderer will provide 24-hour security services at the following MAPSEZ premises other related areas within its area of jurisdiction as listed in the table below:

**Table 1: Are the required quantities for the Physical Security guards, Quad Bike Patrol, panic buttons, patrol monitoring systems and security registers (security registers must be inclusive of the following: Pocketbooks, Visitors Registers, Time Registers, After Hours Registers, Equipment Registers and Occurrence Books). All costing must be reflected for a Monthly basis.**

These quantities are given in good faith and without commitment to MAPSEZ.

MAPSEZ reserve the right to increase or decrease the scope of the service required as determined by the prevailing circumstances at the time.

The contractor shall be bound to supply whatever quantities MAPSEZ actually requires during the period of the contract, irrespective of the extent by which the total quantities ordered may vary from that set out in the Table 1 or anywhere else in the Tender document at the same rate, terms and conditions.

During the duration of the contract the same rates will apply for guards required on an as when basis (ad hoc)

## 5. SCOPE OF CONTRACT

5.1 The contract entails the provision of 24-hour security guards at the MAPSEZ

The contractor shall deploy only security personnel registered with the Private Security Industry Regulatory Authority on MAPSEZ sites. The Contractor shall ensure that all security personnel on duty (on MAPSEZ sites) will carry up to the date registration/ employee identification card with the Private Security Industry Regulatory Authority (PSIRA) number on their person at all times.

- a) The Contractor shall train his personnel to ensure that all security personnel deployed on MAPSEZ premises will handle themselves in a professional, friendly and helpful manner at all times and are able to discharge all duties required by the contract.
- b) The Contractor shall ensure that all security personnel deployed to specific MAPSEZ sites will wear appropriate clean uniforms at all times whilst on duty, without exception.
- c) The Contractor will supply the uniforms for this contract.
- d) All the Contractor personnel uniforms must bear the Contractor's company logo at all times.
- e) All the Contractor's personnel deployed at MAPSEZ sites must wear name- tags at all times.
- f) All the Contractor's personnel deployed on MAPSEZ premises should be able to read write and speak English
- g) All Contractors' personnel deployed on MAPSEZ premises should be mentally and physically fit to performing the assigned duties.
- h) The service provider must do vetting (which includes PSIRA registrations, criminal checks, LCRC and other background checks) on personnel deployed on MAPSEZ premises. MAPSEZ reserves the right to do further vetting. i) MAPSEZ reserves the right to review the minimum requirements.
- j) MAPSEZ Security Risk Management reserves the right to instruct the Contractor to remove any personnel who, in MAPSEZ opinion, is unable to perform their duty.
- k) The Contractor must indicate what procedures will be put in place for proper clocking/attendance system. The clocking/attendance system must be able to automatically generate monthly reports, time keeping and incidence registers. The monthly reports from the clocking machine/attendance system shall be submitted to MAPSEZ as supporting documentation to invoices.
- l) The Contractor shall ensure that the guarding of the premises is continuous and uninterrupted. To this end, the Contractor must ensure that no Security Officer is allowed to 'Desert' his/her posts without being properly relieved by another Security Officer.
- m) The Contractor shall supply Visitors Registers, Attendance Registers, After Hours Registers, Equipment Registers and Occurrence Books to be made available at all guard posts. The Contractor shall maintain and store all registers. (The registers remain the property of MAPSEZ.) All full registers must be returned to the Security Risk Inspector / manager of that particular site who will sign on the last page of the register as well as the first page of the new register to confirm that he has seen the registers.

**The Contractor shall**, provide MAPSEZ with one site manager who must meet the following requirements, Grade A PSIRA registered, able to conduct investigations, able to proficiently communicate and write reports. Be provided with the necessary logistics to efficiently conduct his work.

#### **Provision of Equipment:**

- a) **As Standard Issue:** The successful Contractor shall provide all equipment for the guards such as uniforms, batons, hand held scanners, torches, communication radio's and/or cell phones and other related items he may deem necessary to fulfil his duties.
- b) All equipment provided shall be recorded in the equipment register and shall be kept on the site and will be operational at all times.

#### **5.2 Minimum Wages and Retention Strategy**

- a) The successful contractor shall pay all his Security Officers in line with the minimum wages as laid down per statutory requirements. (Basic Conditions of Employment Act, No. 75 of 1997, Sectorial Determination 3: Private Security Industry Regulatory Authority: South Africa), as amended and increase will be determined according to the Sectorial Determination, determined and published with Private Security Industry Regulatory Authority.
- b) On all the PSIRA increases due to the contractor, the relevant documents will be submitted to MAPSEZ Chief Financial Officer, and after verification, the increase will be authorized and sent to the relevant Unit for calculations and implementation. Apart from this, no other escalations or prices increases will be entertained.
- c) The Contractor shall, before starting with the contract, provide detailed retention strategy covering how the contractor is going to ensure that security officers do not resign at a high rate.

#### **5.3 Contingency Plan**

The Contractor shall, before starting with the contract, provide detailed contingency plans to cover the following scenarios:

- (a) Provision of additional Security Officers in the case of a strike by MAPSEZ personnel.
- (b) Provision of additional Security in the case where MAPSEZ will be hosting events such as launching of new successful Investors/Factories, Exhibitions for investment promotion which includes local and foreign investors and dignitaries.
- (c) Provision of security services to MAPSEZ properties in the case of a strike by the Contractor's personnel.
- c) Provision of additional Security personnel in the case of ad-hoc intensified security checks on personnel and/or vehicles. The security manager at the MAPSEZ will approve detailed contingency plan for each site. The contingency plan will give the number of additional personnel and equipment provided and will be kept by that Manager.

#### **5.4. Documents to be provided**

The successful Tenderer shall provide the following information to the MAPSEZ

- (a) List of contact numbers (day and after-hours numbers)
- (b) List of Supervisors (day and after-hours numbers)
  - (i) Name and Surname
  - (ii) Company number (identification number) and Personal Identification number.
  - (iii) Private Security Industry Authority (PSIRA) registration number
  - (iv) Private Security Industry Authority (PSIRA) grading
- (v) The list must be updated whenever Security Officers', or Supervisors' details or contact numbers change

##### **5.4.1 Fire**

- a) If a fire is detected on MAPSEZ site or premise, then the Security Officers must immediately inform the nearest fire brigade. Thereafter the Security Officer must inform his immediate Supervisor, and the MAPSEZ Security Manager. The incident must be recorded in the Occurrence Book.
- b) With due regard to safety and where the fire appears to be extinguishable the Security Officer must attempt to extinguish it.
- c) The Security Company shall provide a report of the fire to the Security Manager of the MAPSEZ premises within 24 hours of the incident.

**5.5 Agreed Emergency Contact numbers to be kept at the control room. The emergency contact numbers must be verified on a three-monthly basis.**

#### **5.6. WARRANTIES**

- a) The Contractor warrants that the price offered to MAPSEZ is not less favourable than prices offered to other Contractor's clients for similar services.
- b) MAPSEZ reserves the right to negotiate the price before the award of tender or after the award of the tender

#### **5.7. PENALTIES**

- a) If the contractor fails to deliver the service as stipulated, then MAPSEZ shall at its discretion deduct the penalty in the amount detailed below and, in addition claim any damages suffered because of the breach.

Item	Breach	1 Breach	2 Breach	3 Breach
1	Security Officer not posted	Penalty equal to cost of one twenty four hour shift	Penalty equal to cost of two twenty-four hour shifts	Penalty equal to cost of three twenty-four hour shifts
2	Security Officer without basic equipment or with unserviceable equipment	Penalty equal to cost of one twenty-four-hour shift	Penalty equal to cost of two twenty-four hour shifts	Penalty equal to cost of three twenty-four hour shifts plus a
3	Security Officer leaving his post before the arrival of the relief Security Officer	Penalty equal to cost of one twenty-four hour shift	Penalty equal to cost of two twenty-four hour shifts	Penalty equal to cost of three twenty-four hour shifts
4	Failure to provide a	Penalty equal to	Penalty equal to cost of	Penalty equal to cost of three

Item	Breach	1 Breach	2 Breach	3 Breach
	register or Occurrence book at a particular site.	cost of one twentyfour hour shift	two twenty-four hour shifts	twenty-four hour shifts
5	Failure to provide Security Officers with correct grades as per job description.	Penalty equal to cost of one twentyfour hour shift	Penalty equal to cost of two twenty-four hour shifts	Penalty equal to cost of three twenty-four hour shifts
6	Security Officer sleeping whilst on duty	Penalty equal to cost of one twentyfour hour shift	Penalty equal to cost of two twenty-four hour shifts	Penalty equal to cost of three twenty-four hour shifts
7.	Security Officer under influence of liquor or habit forming drugs	Penalty equal to cost of one twentyfour hour shift	Penalty equal to cost of two twenty-four hour shifts	Penalty equal to cost of three twenty-four hour shifts
8	Use of Security Officers not registered with PSIRA	Penalty equal to cost of one twentyfour hour shift	Penalty equal to cost of two twenty-four hour shifts	Penalty equal to cost of three twenty-four hour shifts
9	Security Officer unable to produce a valid/current Security Officers Registration card.	Penalty equal to cost of one twentyfour hour shift	Penalty equal to cost of two twenty-four hour shifts	Penalty equal to cost of three twenty-four hour shifts

10	Security Officer not in uniform or improperly dressed.	Penalty equal to cost of one twentyfour hour shift	Penalty equal to cost of two twenty-four hour shifts	Penalty equal to cost of three twenty-four hour shifts
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**NB: The penalties are per Security Officer or piece of equipment or per register and are cumulative.**

## **5.8. SUPERVISION**

Each guard-post or site shall be visited a minimum of three times per shift. These visits, including time of visit and name of supervisor undertaking the visit must be recorded in the Occurrence Book in red.

## **5.9. GUARD ROOM OR SHELTER**

MAPSEZ will provide a guardroom or shelter with electrical connections as well as ablution facilities for the Security Officers. The Security Officers must ensure that the room or shelter is clean and tidy at all times. The successful bidder shall provide electrical heaters, fans and kettle for use by security officers at all times.

## **5.10. ARMED RESPONSE**

The successful Bidder shall operate a control room operated 24 hours 7 days a week. The successful bidder will link the existing burglar alarms to the Bidder's control room. The Control room will be backed by armed response to the raised alarms. The armed response should be able to reach any raised alarm at MAPSEZ site within fifteen minutes or sooner.

Random testing will be conducted by MAPSEZ to test response time.

## **5.11. TIME FOR COMPLETION**

This is a three-year contract. The contract will be awarded for a period of one year and will be renewable year on year under the same conditions, subject to satisfactory performance by the successful bidder.

## **5.12. PRICING**

The Contractor will price for the following:

a) Dayshift Unarmed Guard Grade C:

The price must include provision of armed response, control room manned 24/7/365 and patrol car visits

b) Nightshift Unarmed Guard Grade C:

c) Quad Bike Patrol

d) Panic Buttons

e) Patrol Monitoring System

f) Security Registers (security registers must be inclusive of the following; Pocketbooks, Visitors Registers, Time Registers, after Hours Registers, Equipment Registers and Occurrence Books).

**Figure 2: Price Breakdown: reflect cost breakdown on a monthly basis and SA Rand)**

**Annual Cost = Monthly Rate X 12 months =**

**5.13. MONTHLY MEETINGS**

Once a month the Security Manager will convene a meeting attended by the Contractor and MAPSEZ Officials to discuss amongst others the Contractor’s monthly report, performance and other relevant issues.

**5.14. COST OF BIDDING PREPARATIONS**

**The cost for preparing this bid will be for the bidder’s account.**

All Enquiries or any further information (if required) regarding the technical specifications of this tender, may be obtained from the MAPSEZ Security Officer.

**5.15 PRE- COMPLIANCE EVALUATION**

Only Companies who are registered with PSIRA, have a control room manned 24/7/365 a year with armed response and have adequate fleet requirements in line with the expected areas of operation will be considered.

**Bidders will be eliminated for not complying with submitting returnable documents as stated below:**

a) Proof of Company Registration	
b) Certified Copy of ID Documents of owners/members/shareholders	
<b>Documentation</b>	<b>Submitted (YES or NO)</b>
a) Original Valid Tax Clearance Certificate	
b) Copy of Municipal statement or letter from landlord stating you are leasing your business site or proof of ownership of the business site	
c) Letter of Good Standing from PSIRA	
d) Proof of PSIRA registration of owner/s	
e) Three years Annual Financial statements from a Registered Accounting officer or Register auditor	
f) Certified Copy of Proof of licence to possess firearms for business purposes	
g) Proof of COID compliance	

**Other Returnables required:****5.16. EVALUATION CRITERIA****5.16.1. Process**

MAPSEZ will establish a Bid Evaluation Committee (BEC) whose responsibility is to make recommendations to the Bid Adjudication Committee (BAC). Companies will be short listed in line with the criterion listed below. Visits will be undertaken to the short listed companies before the companies are invited to make presentation to MAPSEZ BEC. The Bid Evaluation Committee will short list and evaluate the RFP in accordance with the criteria below and make recommendations to the BAC.

The bid will be evaluated based on price, functionality and preference in terms of the PPPFA and Preferential Procurement Regulations of 2017 as per the 80/20 points system.

In line with bid document bidders are required to demonstrate their ability to do the work by citing previous assignments where they performed work of a similar nature.

As a risk mitigating factor a service provider scoring functionality score of less than **70%** will be considered to be posing a quality risk to the company and will therefore be disqualified. Only bidders who meet the minimum required score/ threshold for functionality will be further evaluation on Price and Preference.

**5.16.2 Points Awarded for Functionality**

Points will be awarded to according to the below evaluation criteria:

<b>CRITERION 1</b>			<b>Points</b>
<b>RELEVANT COMPANY EXPERIENCE AND THREE REFERENCES</b>			<b>20</b>
<b>Sub-criterion</b>		<b>Score</b>	
1. Is the company ISO-accredited? To verify the status of the company quality management		10	
2. Relevant Company Experience: Five years-5 points Four years-4 points Three years-3 points Two years-2 points One-year experience -1 point No experience – 0		5	
3. Three references (references will be assessed based on feedback from clients)		5	
<b>CRITERION 2</b>			<b>Points</b>
<b>FINANCIAL CAPABILITY</b>			<b>10</b>
<b>Sub-criterion</b>		<b>Score</b>	

<p>1. Letter from financial institute reflecting bank rating                  'A" rating-5 points                  'B" rating- 4 points 'C"                  rating- 3 points                  'Lower than C" rating- 2 points</p>		10	
<p><b>CRITERION 3</b></p>			<p><b>Points</b></p>
<p><b>RESOURCES (PEOPLE/ VEHICLES/ EQUIPMENT)</b></p>			
<p><b>Sub-criterion</b></p>		<p><b>Score</b></p>	
<p>1. Is the company in possession of a proper uniform/dress code with two badges/logo of the name of the company prominently displayed on the uniform of security officials? -Every security business must provide every security officer with a suitable uniform to do his/her work.                  -Dress code                  Two badges/logos on uniform                  (PSIRA Regulations 13(1) and 13(3)(b))</p>		<p>Rating from 1 to 5</p>	<p><b>30</b></p>
<p>Please provide proof</p>			
<p>2. To determine capacity in terms of manpower.                  -Guarding                  -Access control                  -Armed response                  -Control room operators</p>		<p>Rating from 1 to 10</p>	
<p>-Investigations                  -Supervisors                  -Management</p>			
<p>3. Is a control room established and functional 24/7? (South African Intruder Detection Services Association By-Law no. 1) -Base radio                  -Two-way radio                  -Telephone landlines                  -Fax machine                  -Cell phone                  -Emergency procedure                  -Contingency plan                  -Record keeping                  -Reinforced doors and windows                   Please attach proof of control room and address</p>		<p>Rating from 1 to 5</p>	

<b>4. Response Team</b> -Training -Equipment -Transport -PPE -Communication -Response time – should be 15 minutes or less  Should be included on the proposal		Rating from 1 to 10	
<b>CRITERION 4</b>			<b>Points</b>
<b>CONTINGENCY PLANING AND TRAINI NG</b>			
<b>Sub-criterion</b>		<b>Score</b>	
<b>1. Is a documented recruitment policy/strategy in place?</b> Preparedness to recruit the required number of security officials according to the scope of work.		Rating from 1 to 5	<b>20</b>
<b>2. Staff Retention Strategy</b>  Should be included on the proposal		Rating from 1 to 5	
<b>CRITERION 5</b>			<b>Points</b>
<b>LOCALITYOF THE BIDDER</b>			
<b>Sub-criterion</b>		<b>Score</b>	
Within Maluti a Phofung Region		5	<b>10</b>
Outside Maluti a Phofung Region		3	
Outside Free State Province		2	
Supply proof of address			
<b>CRITERION 6</b>			<b>Points</b>
<b>SAFETY in terms of Occupational Health and Safety Act, A ct 85 of 1993</b>			
<b>Sub-criterion</b>		<b>Score</b>	
<b>1. Are safety representatives appointed by the owner (OHSA, Act 85 of 1993, Sections 16.1 or 16.2) of the security company?</b> Every employer who has more than 20 employees in his/her employment must appoint, in writing, health and safety representatives. (OHSA, Act 85 of 1993, Section 17(1))  Should be included on the proposal		Rating from 1 to 10	<b>10</b>

- **Site Inspection may be conducted to verify the bidder's compliance to some of the abovementioned sub- criterion.**
- **Appointments will be made in advance and bidders will be required have compiled evidence in advance for the site assessment.**

**Minimum Required Score/Threshold for Functionality = 70% (Seventy percent)**

**Price**

**80**

**Preference Points**

**20**

**Preference Points** ((Points scored by the bidder in terms of their B-BBEE contribution level as per the DTI Codes of Good Practice (See Preference Points Table below)

**Total points for Price and Preference**

**100 POINTS**

**Important Note:**

- Tenderers with annual total revenue of R5million or less qualify as Exempted Micro Enterprises (EMEs) in terms of the Broad-Based Black Economic Empowerment Act, and must submit a certificate issued by a registered auditor, accounting officer (as contemplated in section 60(4) of the Close Corporation Act, 1984 (Act No. 69 of 1984) or an accredited verification agency.
- Tenderers other than Exempted Micro Enterprises (EMEs) must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating.

Failure to do so may result in the points for Preference not being awarded to the bidder.

**Preference Points table for 80/20 points system:**

<b>B-BBEE Status Level Contributor</b>	<b>Number of Points</b>
<b>1</b>	<b>20</b>
<b>2</b>	<b>18</b>
<b>3</b>	<b>14</b>
<b>4</b>	<b>12</b>
<b>5</b>	<b>8</b>
<b>6</b>	<b>6</b>
<b>7</b>	<b>4</b>
<b>8</b>	<b>2</b>
<b>Non-Compliant Contributor</b>	<b>0</b>

**Scores of = Except where otherwise stated above, the bid will be scored as follows:**

- 1 - Poor and unacceptable level of performance or compliance to requirement**
- 2 - Average**
- 3 - Good**
- 4 - Very Good**

## 5 - Excellent

The scores of each of the evaluators will be averaged, weighted and then totalled to obtain the final score for quality.

**BID TIMETABLE**

This timetable is provided as an indication of the timing of the bidding process. It is indicative only and subject to change by Free Development Corporation. Bidders are to provide proposals that will allow achievement of the intended commencement date.

Activity	Date
Advertisement of bid	31 July 2020
Bid document available	31 July 2020
Closing date for bid enquiries	21 August 2020 <b>at 12:00</b> All enquiries must be directed to <a href="mailto:catherinemotsisi@gmail.com">catherinemotsisi@gmail.com</a>
Briefing Session	N/A
Closing date and time	28 August 2020 <b>at 12:00</b>
Bid Submission	FREE STATE DEVELOPMENT CORPORATION 33 Kellner Street Westdene Bloemfontein 9300

**Price Declaration Form**

Dear Sir,

Having read through and examined the Request for Tender (RFT) Document and terms of reference, The Requirement and all other Annexures to the RFQ Document, we offer to provide the services of **Provision of Physical security to MAP SEZ for ONE (1) year for the amount of:**

R.....(Excluding VAT) In words  
.....(Excluding VAT)

We confirm that FDC will incur no additional costs whatsoever over and above this amount in connection with the provision of this service.

We undertake to hold this offer open for acceptance for a period of 90 days from the date of submission of offers. We further undertake that upon final acceptance of our offer, we will commence with the provision of service when required to do so by the FDC.

We understand that you are not bound to accept the lowest or any offer and that we must bear all costs which we have incurred in connection with preparing and submitting this document.

We hereby undertake for the period during which this proposal remains open for acceptance not to divulge to any persons, other than the persons to whom the proposal is submitted, any information relating to the submission of this tender or the details therein except where such is necessary for the submission of this proposal.

**SIGNED**

**DATE**

\_\_\_\_\_

(Print name of signatory)

\_\_\_\_\_

Designation

\_\_\_\_\_

**FOR AND ON BEHALF**

**COMPANY**

**OF:**

**NAME**

**Tel No**

**Fax No**

**Cell No**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SBD 3.3**

**PRICING SCHEDULE**  
**(Professional Services)**

NAME OF BIDDER: .....	BID NO.: .....
CLOSING TIME 11:00	CLOSING DATE.....

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

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
---------	-------------	--

1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.
3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

R.....

- |                        |             |            |
|------------------------|-------------|------------|
| 4. PERSON AND POSITION | HOURLY RATE | DAILY RATE |
|------------------------|-------------|------------|

-----	R-----	-----

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

-----	R-----	----- days

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

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

\*\* "all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

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

6. Period required for commencement with project after acceptance of bid  
 .....

7. Estimated man-days for completion of project  
 .....

8. Are the rates quoted firm for the full period of contract? \*YES/NO

9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.  
 .....

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

**\*[DELETE IF NOT APPLICABLE]**

---

---

Any enquiries regarding bidding procedures may be directed to the –  
(INSERT NAME AND ADDRESS OF DEPARTMENT/ENTITY)

Tel:

Or for technical information –

(INSERT NAME OF CONTACT PERSON)

Tel:

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: .....
- 2.2 Identity Number: .....
- 2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....
- 2.4 Company Registration Number: .....
- 2.5 Tax Reference Number: .....
- 2.6 VAT Registration Number: .....

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

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

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

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

2.7.1 If so, furnish the following particulars:

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

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

Any other particulars:  
.....  
.....  
.....

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

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

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

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

2.8 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.  
.....  
.....  
.....



**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

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 CONTRIBUTOR	(20)
TOTAL POINTS FOR PRICE AND B-BBEE	(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:

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

Where

$P_s$  = Points scored for price of bid under consideration

Pt = Price of bid under consideration  
Pmin = 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		NO	
-----	--	----	--

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

<b>Designated Group: An EME or QSE which is at last 51% owned by:</b>	<b>EME</b> √	<b>QSE</b> √
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		
<b>OR</b>		
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.

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

4.4.1	If so, furnish particulars:
-------	-----------------------------

**SBD 8**

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

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

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

**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.

**SBD 9**

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