



## INVITATION TO BID

Bid Number	Description of Bid	Compulsory Briefing Session	Closing Date & Time	Enquiry Details
<b>NLC/2018 - 9</b>	Appointment of a panel of caterers for the National Lotteries Commission	<b>N/A</b>	<b>1 August 2018 @ 11h00</b>	All enquiries should be in writing and may be directed to <a href="mailto:TOR1@nlcsa.org.za">TOR1@nlcsa.org.za</a> for the attention of Ms. Maureen Senyatsi Tel: (012) 432 1414

Bidders are requested to download the bid documents on the NLB website at [www.nlcsa.org.za/current-tenders/](http://www.nlcsa.org.za/current-tenders/) or can be obtained by sending an e-mail to [TOR1@nlcsa.org.za](mailto:TOR1@nlcsa.org.za)

**Bid Submission:** Bid documents must be deposited into the bid box at the Main Entrance (Reception) of the **National Lotteries Commission, Block D, Hatfield Gardens, 333 Grosvenor Street, Hatfield, Pretoria, 0083**

**BID SUBMISSION CHECKLIST: APPOINTMENT OF A PANEL OF CATERERS FOR THE NATIONAL LOTTERIES COMMISSION**

<b>Name of the bidder:</b>			
<b>Item</b>	<b>Description</b>	<b>Yes</b>	<b>No</b>
<b>1.</b>	<b>Mandatory Requirements</b>		
<b>1.1</b>	In the event of the bidder being in a joint venture, joint venture agreement must be submitted.		
<b>1.2</b>	Company registration certificates (CK). In the event of the bidder being a consortium organization, relevant shareholding certificates		
<b>1.3</b>	B-BBEE Certificate		
<b>1.4</b>	EME or QSE.		
	The bidder is located within the Tshwane Region. Please submit proof of residence in a form of a municipal bill/ward counsellor's letter/a certified copy of the SLA		
	A certificate from the relevant body for food safety, health and waste management must be submitted.		
<b>2.</b>	<b>Non - Mandatory) Requirements</b>		
2.1	Please indicate below if whether the SBD (Standard Bidding Document) Forms are duly completed and signed by the relevant person:		
2.1.1	SBD 1		
2.1.2	SBD 4		

## ANNEXURE 2

NLC/2018 - 9

2.1.3	SBD 6.1		
2.1.4	SBD 8		
2.1.5	SBD 9		
	*Only the original signed SBD Forms of the above will be accepted		
2.2	Central Supplier Database (CSD) Summary Report		
2.3	Valid Tax Clearance Certificate (TCC)		
2.4	Company Profile		
2.5	Provide three (3) letters of reference from the <b>public and/or private institutions</b> which demonstrate having satisfactory delivered on similar services (catering services)		
<b>3. Submission of Proposals:</b>			
<b>3.1 Technical Proposal:</b>			
3.1.1	One (1) original		
3.1.2	Four (4) copies		
<b>3.2 Financial (Price) Proposal:</b>			
3.2.1	One (1) original		
3.2.2	Four (4) copies		
3.2.3	One (1) electronic copy (CD) for both technical & financial proposal		
<b>4. Bid Document Responsiveness:</b>			
	Do you adhere to the bid documents and terms of reference?		



# ANNEXURE 1

## PRICING SCHEDULE: APPOINTMENT OF A PANEL OF CATERERS FOR THE NATIONAL LOTTERIES COMMISSION

NLC/2018 - 9

Name of bidder.....

Please provide prices (VAT Inclusive) for the appointment of a panel of caterers. For comparative purposes, prices must be quoted according to the specification provided below:

<b>Name of bidder:</b>	
<b>BREAKFAST</b>	<b>Description for standard breakfast per person:</b>
	Sandwiches (brown /white bread) Assorted muffins; Medium scones / croissants; Fresh fruit salad/ kebabs; Yoghurt; Cereal; Fresh fruits; and 100% Fruit juice 340 ml.
Total average price for breakfast per person (VAT Inclusive)	R..... (A)
<b>LUNCH</b>	<b>Description for standard lunch per person:</b>

## ANNEXURE 1

	<p>Minimum of two (2) protein (chicken and lamb);          Minimum of two (2) starches/carbohydrates (pap and rice);          Minimum of two (2) salads (cold);          Minimum of two (2) cooked vegetables; and          Assorted two (2) cold soft drinks (340 ml soft drink &amp; 340 ml 100% fruit juice)</p> <p>R.....</p>
Price for Vegetarian and Halaal lunch per person (VAT Inclusive)	<p>One (1) meal for Vegetarian and Halaal</p> <p>R.....</p>
Total average price for lunch (both standard & vegetarian/halaal lunch) per person (VAT Inclusive)	<p>R..... (B)</p>
Transportation costs (delivery fee) for catering services for one (1) day	<p>R..... (C)</p>
<b>Total price per person including transportation costs (VAT Inclusive)</b>	<p>R..... (A + B + C)</p>

.....

**Name of representative**

.....

**Signature**

**Date**



# APPOINTMENT OF A PANEL OF CATERERS FOR THE NATIONAL LOTTERIES COMMISSION



### Summary of important information:

1.	Assignment	The National Lotteries Commission (NLC) requires suitable service providers to submit proposals for catering services for the NLC Head Office for a period of two (2) years
2.	Name of the responsible office	Facilities and Supply Chain
3.	Address for submitting proposals & other correspondence	Attention: The Supply Chain Manager National Lotteries Commission Block D, Hatfield Gardens, 333 Grosvenor Street Hatfield, Pretoria, 0083 Email: <a href="mailto:TOR1@nlcsa.org.za">TOR1@nlcsa.org.za</a> , attention Ms. Maureen Senyatsi
4.	Closing date & time for submission of bid proposals	1 August 2018 at 11:00 am
5.	Bid description	A panel of caterers for the NLC
6.	Reference Number	NLC/2018 – 9

## 1. BACKGROUND AND CONTEXT

The National Lotteries Commission (NLC), previously known as the National Lotteries Board (NLB), is a public entity established by Lotteries Act No. 57 of 1997 as amended to regulate the South African lotteries industry. The functions of the Commission can be divided into two categories, namely “regulation of National Lottery and other Lotteries” and “administration of the National Lottery Distribution Trust Fund (NLDTF)”.

The Distributing Agencies (DA’s) who are appointed by the Minister of Trade & Industry are responsible for the adjudication of the funding applications as per the Lotteries Act and applicable Regulations.

The NLC regularly hosts different meetings which require catering services that can accommodate the needs of various religious and ethnic groups.

The NLC invites suitably qualified and experienced service providers to submit proposals for provision of catering services when required. In line with the requirements of the Public Finance Management Act No. 1 of 1999 (PFMA) and Treasury Regulations, the NLC seeks to engage the services of duly qualified service providers.

## 2. PURPOSE

The purpose of the terms of reference (TOR) is to appoint a suitably qualified and experienced panel of five (5) qualified caterers for a period of two (5) years to render catering services when required.

## 3. OBJECTIVES

The primary of this TOR is to appoint a panel of caterers that will provide catering services for all dietary preferences, including but not limited to vegetarian, kosher and halaal with valid certification from respective bodies.



## 4. SCOPE OF WORK

### The scope of work entails the following:

The appointed service providers should expect to render, amongst others, the following scope of services:

- 4.1 Supply and deliver food as per specification.
- 4.2 Prepare nutritional, quality food in a hygienic environment.

#### 4.2 Delivery

Delivery of equipment and setting up of food must be completed at least thirty (30) minutes before food is served.

#### 4.3. Catering equipment

The caterers shall be responsible for the following:

- Ensure there is adequate crockery, cutlery, glassware & required catering equipment;
- Provide and arrange décor; and
- Ensure that waiters and/or waitresses dress appropriately when serving food; i.e. the correct Personal Protective Equipment ("PPE") for catering services whilst on NLC site and/or premises.

#### 4.4 Expectations

- 4.4.1 An expectation of a wide choice of food that is varied regularly;

4.4.2 A need for comfort and aesthetically pleasing setup; and

4.4.3 A high expectation in terms of hygiene and safety of food.

## 5. DELIVERABLES

The following are the expected deliverables for the catering services to be provided when required:

- Full catering services for the NLC; and
- To be able to provide the service within twenty-four (24) hours of receiving the request.

## 6. REPORTING REQUIREMENTS

The service provider will report to Supply Chain & Facilities Department.

## 7. DURATION OF THE PROJECT

The established panel will be appointed for a period of two (2) years and the successful service providers will be required to sign a Service Level Agreement (SLA).

## 8. COMPULSORY BRIEFING SESSION

No compulsory briefing session for this service.

## 9. EVALUATION CRITERIA

The NLC will evaluate all proposals in terms of the Preferential Procurement Regulation of 2001 and Preferential Procurement Policy Framework Act. No. 5 of 2000 (PPPFA). A three (3) phase evaluation criteria will be considered in evaluating the proposals, being:

## **9.1 Phase 1: Pre - Qualification Criteria (Mandatory Requirements)**

Bidders must submit all the mentioned below requirements. The following mandatory requirements must be met to qualify for this bid:

- 9.1.1 Company registration certificates (CK).
- 9.1.2 In the case of the bidder being in partnership, close corporation or a company, company certificates reflecting the names, identity numbers and address of the partners, members or directors must be submitted with proposal.
- 9.1.3 In the event of the bidder being a consortium organisation, relevant shareholding certificates must be submitted.
- 9.1.4 Joint Venture agreements must be submitted in a case of a bidder being in a joint venture.
- 9.1.5 A certificate from the relevant body for food safety, health and waste management must be submitted.
- 9.1.6 The bidder must have a B-BBEE Level 1.
- 9.1.7 The bidder must be an EME or QSE.
- 9.1.8 Only bidders that are located within the Tshwane Region will be considered. Please attach proof of address in a form of a municipal bill/ward counsellor's letter/a certified copy of the SLA which clearly indicates the name of the company and/or director/s.

The bidder that fails to meet the above-mentioned pre-qualifying criteria stipulated is an unacceptable bid.

## **9.2 The following are non-mandatory requirements and should be submitted:**

- Original signed standard bidding documents (SBD Forms). Bidders are required to return all SBD Forms fully completed and duly signed. The NLC TOR should not be returned.
- Central Supplier Database (CSD) Summarized Report. Please submit the current CSD Report.

### 9.3 Phase 2: Functional/Technical Evaluation

Only bidders that have met the pre-qualification criteria will be evaluated for functional evaluation. In this phase the evaluation will be based on the bidders' responses in respect of the bid proposal (evaluated on the minimum functional specifications). Prospective bidders who score a minimum of 70% points or more will be considered for the next phase 3 (Price and B-BBEE status level contributor).

CRITERIA	WEIGHT
<b>1. Company experience</b>	
<p>The bidder is required to provide three (3) contactable client references where its services can be verified. References should be presented in a form of a written letter on an official letterhead from clients where similar services have been provided and may not be longer than two (2) years. No appointment letters from clients will be accepted as reference letters.</p> <p>The company profile must also contain the entity's organizational structure, a staff organogram, as well as a profile of core staff, their experience and achievements.</p>	<b>25%</b>
<b>2. Capacity and ability to deliver the catering services</b>	

<p>The bidder is required to demonstrate their company’s suitability with respect to its capacity/ ability to execute and deliver on the project, based on the supplier’s track record, of same/similar (previous) work having been undertaken within the scope and scale of this work.</p> <p>Statements made in the demonstration must be verifiable. Attention should be given to the right skills, knowledge and availability to deliver the catering services. The bidder is required to provide the details &amp; CV of key staff that will be responsible for the catering services.</p>	<p><b>25%</b></p>
<p><b>4. Infrastructure, equipment and demonstration</b></p>	
<p><b>Site inspection to the premises to be conducted to assess the infrastructure, equipment and demonstration as follows:</b></p> <p><b>4.1 Infrastructure and equipment: Total of 35% points</b></p> <p>Assessment to be made on the availability of resources including and not limited to Kitchen Equipment. The bidder must ensure necessary equipment for catering service are in good order i.e. premises, kitchen, pots, plates, side plates, cups, bowls, warmers, cutlery and crockery, table cloths, etc. The premises where food is prepared is maintained in a clean and orderly manner, with good housekeeping principles. The operating building should be secured with the necessary infrastructure to provide the required service</p> <p><b>4.2 Demonstration: Total of 15% points</b></p>	<p><b>50%</b></p>

Demonstration of the menu should comprise of the Comprehensive menu proposed to the NLC Staff during the site visit which should demonstrate variety, balanced diet and quality of food.	
<b>Total:</b>	<b>100%</b>

**9.4 Phase 3: The 80/20 Principle based on Price and B-BBEE status level contributor.**

*Points will be awarded to a bidder for attaining the B-BBEE status level of contributor in accordance with the table below:*

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 Contributor	0

**10. GENERAL GUIDELINES**

**10.1 Submission Instruction**

The bid should be ***hand delivered to the address specified below*** in ***six (6) sets each***.

One original plus five (5) copies of the proposal (i.e. six (6) sets in total) should be clearly marked:

**“A PANEL OF CATERERS FOR THE NATIONAL LOTTERIES COMMISSION,  
REFERENCE NUMBER: NLC/2018 - 9”**

**Please note that the Technical and Financial proposals should be submitted in two (2) separate sealed envelopes.**

The submission of proposals should be as follows:

<b><i>Technical</i></b>	<b><i>Financial</i></b>
One (1) original	One (1) original
Four (4) copies	Four (4) copies
One (1) electronic copy (CD/USB) for both technical & financial proposal	
Total submission of copies including original & CD/USB = Twelve (11)	

Bidders are requested to indicate on the cover of each document whether it is the original document or a copy.

**Take note of the following:**

- No costs have been prescribed for the Bidding Document;
- All proposals **must** be costed in South African Rand, inclusive of VAT;
- If the bid does not include all the information required, or is incomplete, this will mean non-compliance and therefore invalidate the bid; and
- Any submission received after the deadline will not be considered;

**10.2 Late bids**

Bids received late shall not be considered. A bid will be considered late if it arrived one second after 11:00 am or any time thereafter. The tender (bid) box shall be locked at exactly 11:00 am and bids arriving late will not be considered under any circumstances. Bidders are therefore strongly advised to ensure that bids are dispatched allowing enough time for any unforeseen events that may delay the delivery of the bid.

The official Telkom time (Dial 1026) will be used to verify the exact closing time.

### **10.3 Infrastructure**

It is expected that bidders will be able to provide basic facilities, systems and capital equipment needed for effective and efficient delivery of the service/project without any upfront payment by the NLC.

### **10.4 Costs to be borne by bidders**

All costs and expenses incurred by the bidders in any way associated with the development, preparation and submission of responses and providing any additional information required by the NLC, will be borne entirely and exclusively by the bidders.

### **10.5 No legal relationship**

No binding legal relationship will exist between any of the bidders and the NLC until the execution of a signed contractual SLA. The TOR document will not form part of any such contract or arrangement.

### **10.6 Evaluation of offers**



Each bidder acknowledges and accepts that the NLC may, at its absolute discretion, apply selection criteria specified in this document for the evaluation of proposals for short listing/ selecting the eligible bidder(s).

## **10.7 Format of your proposal**

The proposal should be presented in two sections i.e. Technical Proposal and Financial Proposal.

### **10.7.1 Technical Proposal Format**

Bidders should submit technical proposal according to specifications provided in the TOR which must reflect the exact requirements and quantity required in paragraph four (4).

### **10.7.2 Technical Approach**

- a) The bidder should demonstrate adherence to the TOR by elaborating on the services required, and demonstrating whether the proposed proposal meets the requirements; and
- b) Bidders should indicate how the catering services will be delivered to NLC.

### **10.7.3 Company experience**

Bidders are required to provide proof that they have previously delivered similar services (catering services). Letters of reference from at least three (3) contactable referees must be submitted.

## **11. PRESENTATION/SITE VISIT**

The NLC reserves the right to request final presentation only to the short-listed bidders to the evaluation committee. The shortlisted service providers will be subjected to hosting and food tasting.

## **12. DUE DILIGENCE**

- 12.1 The service provider must have dully approved operational premises with the necessary infrastructure to provide services and relevant accreditation by the relevant body.
- 12.2 Before the awarding of the tender a due diligence site visit will be carried out at the premises of the service provider.

## **13. SUPPLIER PERFORMANCE MANAGEMENT**

- 13.1 Supplier Performance Management is viewed by the NLC as critical component in ensuring value for money acquisition and good supplier relations between the NLC and all its suppliers.
- 13.2 The successful bidders shall upon receipt of written notification of an award, be required to conclude a SLA with the NLC, which will form an integral part of the supply agreement. The SLA will serve as a tool to measure, monitor and assess the supplier 's performance level and ensure effective delivery of service, quality and value-add to NLC's business.
- 13.3 Successful bidders are required to comply with the above condition, and provide a scorecard on how their product / service offering is being measured to achieve the objectives of this condition.

## **14. MANDATORY REQUIREMENTS**

### HEALTH AND SAFETY

The service provider must ensure compliance with health and safety requirements at all times.

Compliance with all municipal legislation relating to food safety, health and waste management.

### HYGIENE

The service provider must ensure that the catering facilities i.e. kitchens, cutlery, crockery and kitchen utensils are kept clean all the time.

**NLC reserves the right to conduct site inspection prior to finalising a contract.**

The service provider must ensure that the facilities where food is prepared always meet recommended hygiene standard.

**NLC reserves the right to conduct site inspection prior to finalising a contract.**

## 15. STANDARD REQUIREMENT OF THE BID

### 15.1 Disclosures

The bidder must disclose:

- a) If they are or have been the subject of any proceedings or other arrangements relating to bankruptcy/ insolvency.
- b) If they have been convicted of, or are the subject of any proceedings, relating to:
  - A criminal offence or other offence, involving the activities of a criminal nature in its organisation or found by any regulator or professional body to have committed professional misconduct;
  - Corruption, including the offer or receipt of any inducement of any kind in relation to obtaining any contract with any contracting authority; and

- Failure to fulfil any obligation in any jurisdiction relating to the payment of taxes and other legal obligations.
- c) If a bidder or related company or any individual discloses details of any previous misconduct or complaint, the NLC will seek an explanation and background details from them. At the sole discretion of the NLC, an assessment as to whether the bidder will be allowed to continue to the next phase of the evaluation phase will then be made.
- d) Disclosure extends to any company in the same group of the bidder, including but not limited to parent, subsidiary and sister companies, companies with common shareholders (whether direct or indirect) and parties with whom the bidder is associated in respect of this tender.

## 15.2 Disclaimer

15.2.1 The NLC reserves the right not to appoint a service provider.

15.2.2 The NLC may appoint more than one service provider.

15.2.3 The NLC also reserves the right to:

- a) Award the contract or any part thereof to one or more service providers;
- b) Reject all bids;
- c) Decline to consider any bids that do not conform to any aspect of the bidding requirements;
- d) Request further information from any bidder after the closing date for clarity purposes;
- e) Cancel this tender or any part thereof at any time; and
- f) Should any of the above occur, it will be communicated in writing to the bidders.

15.2.4 The NLC reserves the right to utilise the services of other catering service providers for functions/ events. This will be informed by NLC's requirements at a given time.

## 15.3 Confidentiality

- a) Bids submitted will not be revealed to any other bidders and will be treated as contractually binding;
- b) All information pertaining to the NLC obtained by the bidder as a result of participation in this RFP is confidential and must not be disclosed without written authorisation from the NLC; and
- c) The successful bidder will be expected to sign a SLA with the NLC.

#### **15.4 Disqualification**

- a) Any form of canvassing/lobbying/influence regarding the short listing will result in disqualification;
- b) Any non-disclosure of any other information pertaining to this bid will result in disqualification;
- c) Non-compliance with the bid requirements will invalidate the bid; and
- d) Non-compliance with all the applicable Acts, Regulations and by-laws will result in the disqualification of the bid.

#### **15.5 Prices**

- a) All services' pricing should be inclusive of all taxes etc. and payment shall be made in South African Rand;
- b) Bidders are required to provide pricing according to the pricing schedule attached as '*Annexure 1*'. The total amount proposed will be utilised for financial evaluation.
- c) The NLC may require a breakdown of prices on any of the items priced and the bidders are to provide same without any additional cost and provide a "Pricing Grid" or "Transaction Fee Schedule"; and
- d) The total amount should be carried out on the Standard Bidding Document (SBD1) Form.

#### **15.6 Prices adjustments**

Prices submitted for this bid will be regarded as non-firm subject to the following price adjustments:

- a) Bi-annual price adjustment; and
- b) Application for price adjustments must be accompanied by documentary evidence in support of any adjustment on annual basis.

### **15.7 Payment terms**

- a) The NLC undertakes to pay valid tax invoices in full within thirty (30) days from statement date for services rendered;
- b) All supporting documents for services rendered should be submitted together with the tax invoices by the twentieth (20th) of every month;
- c) Valid Tax Invoices for all services rendered are to be submitted to the NLC's Finance Division at the address on page two (2) above or may be sent through an email to the following email address:

Email address: [accounts@nlcsa.org.za](mailto:accounts@nlcsa.org.za).

### **15.8 Validity**

- a) A proposal shall remain valid for ninety (90) days after the closing date of the submission for proposals. A proposal which is valid for a shorter period may be rejected by the NLC for non-responsiveness.
- b) In exceptional circumstances, the NLC may solicit the bidder's consent to an extension of the period of the validity of the bid. The request and responses thereto shall be made in writing. A bidder that has been granted the request will neither be required nor permitted to modify the proposal.

### **15.9 Signatories**

All responses to this RFP should be signed off by the authorised signatories of the bidder.

## 16. SPECIAL TERMS AND CONDITIONS

- a) The NLC reserves the right to accept or reject any submission in full or in part, and to suspend this process and reject all proposals or part thereof, at any time prior to the awarding of the contract, without thereby incurring any liability to the affected bidders;
- b) This bid and the contract will be subject to the General Conditions of Contract issued in accordance with Treasury Regulation 16A published in terms of the PFMA. The special terms and conditions of contract are supplementary to that of the general conditions of the contract;
- c) Where, however, the special conditions of contract are in conflict with the general conditions of contract, the general conditions of contract will prevail.
- d) The NLC is the sole adjudicator of the suitability of the venue for the purpose for which it is required. Therefore, the NLC's decision in this regard will be final.
- e) No bids sent by the facsimile or email will be accepted.
- f) Bids must only be submitted at the NLC Head Office Tender Box in Pretoria by the specified date and time.
- g) Bidders are welcome to be present at the opening of bids.
- h) The annexures are part of the bid documentation and must be signed by the bidder and attach to the bid document.
- i) The bid forms must not be retyped or redrafted but copies may be used. Additional offers may be made but only photocopies of the original documents. Additional offers/submissions are regarded as separate and must be treated as such by the bidder. The inclusion of various offers as part of a single submission in one envelope is not allowed and will not be considered.
- l) Certified copies of the company registration documents or proof of ownership of the company or agency i.e. Shareholders Certificates.
- k) Failure to comply with the above-mentioned conditions will invalidate the bid.

## 17. OTHER CONDITIONS:

- i. Only bidders who obtain at least 70% under Functional/Technical Evaluation will be considered for further evaluation on phase 2.
- ii. Bidders are further requested to provide separate financial and technical proposals.
- iii. Bidders are requested to provide a clear agreement regarding joint venture/consortia. The percentage involvement of each company in the joint venture agreement should be indicated on the agreement. A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification Certificate for every separate bid.
- iv. Bidders are required to submit original and valid B-BBEE Status Level Verification Certificates or certified copies thereof together with their bids, to substantiate their B-BBEE rating claims.
- v. A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- vi. A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.
- vii. Fraudulent practices shall result in immediate disqualification.
- viii. NLC is under no obligation to accept any bid and reserves its right not to proceed with the appointment of any service provider that responded to the invitation to submit proposals, for whatever reasons it may consider appropriate.
- ix. Bidders are required to submit current and valid original or certified B-BBEE Certificate from SANAS or IRBA accredited verification agencies or proof of exemption from registered auditors. (Failure to submit a certificate will result in scoring 0 for B-BBEE.)

## 18. CLARIFICATIONS / ENQUIRIES



Telephonic request for clarification will not be considered. Any clarification required by a bidder regarding the meaning or interpretation of the Terms of Reference or any other aspects concerning the bid is to be requested in writing (letter, facsimile or e-mail) from the below contact persons. The bid reference number should be mentioned in all correspondence.

### **18.1 Bid Enquiries**

Name and Surname: Maureen Senyatsi

E-mail: TOR1@nlcsa.org.za

Enquiries received will be responded to within two (2) working days of receiving the enquiry.

**THE NLC IS NOT OBLIGED TO ACCEPT THE LOWEST OR ANY BID AND RESERVES THE RIGHT TO ACCEPT ANY BID IN WHOLE OR PART.**

**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:	NLC/2018 - 9	CLOSING DATE:	1 AUGUST 2018	CLOSING TIME:	11:00
DESCRIPTION	APPOINTMENT OF A PANEL OF CATERERS FOR THE NATIONAL LOTTERIES COMMISSION				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
NATIONAL LOTTERIES COMMISSION (NLC), BLOCK D, HATFIELD GARDENS, 333 GROSVENOR STREET, HATFIELD, PRETORIA					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	Maureen Senyatsi / Bojane Mosima		CONTACT PERSON		
TELEPHONE NUMBER	012 432 1470 / 1344		TELEPHONE NUMBER		
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	TOR1@nlcsa.org.za		E-MAIL ADDRESS		
<b>SUPPLIER INFORMATION</b>					
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 PART B:3 ]	
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.					

**PART B  
TERMS AND CONDITIONS FOR BIDDING**

<b>1. BID SUBMISSION:</b>	
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).
<b>2. TAX COMPLIANCE REQUIREMENTS</b>	
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6	WHERE NO TCS 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: .....



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

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.**

<b>Full Name</b>	<b>Identity Number</b>	<b>Personal Tax Reference Number</b>	<b>State Employee Number / Persal Number</b>


**4 DECLARATION**

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

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

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

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

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

**1. GENERAL CONDITIONS**

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

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

1.2

- a) The value of this bid is estimated to 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:

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

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

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



## 2. DEFINITIONS

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

## 3. POINTS AWARDED FOR PRICE

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

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

**80/20**                      **or**                      **90/10**

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

Where

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

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

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

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

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

**5. BID DECLARATION**

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

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

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

**7. SUB-CONTRACTING**

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

*(Tick applicable box)*

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

7.1.1 If yes, indicate:

- 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		
<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? <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)? <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	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:		

**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**



## SBD 9

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. 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.



**SBD 9**

**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



**SBD 9**

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

Js914w 2