



## INVITATION TO BID

Bid Number	Description of Bid	Compulsory Briefing Session	Closing Date & Time	Enquiry Details
<b>NLC/2018 - 20</b>	Appointment of a service provider to render technical support and maintenance services for the Oracle Environment at the National Lotteries Commission	<b>N/A</b>	<b>18 January 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 Mr. Njabulo Mavuma Tel: (012) 432 1302

Bidders are requested to download the bid documents on the NLC 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**



**TERMS OF REFERENCE FOR THE  
APPOINTMENT OF A SERVICE PROVIDER TO  
RENDER TECHNICAL SUPPORT AND  
MAINTENANCE SERVICES FOR THE ORACLE  
ENVIRONMENT AT THE NATIONAL LOTTERIES  
COMMISSION**

**CLOSING DATE: 18 JANUARY 2019**

**NLC/2018 - 20**



1.	Assignment	The National Lotteries Commission (NLC) requires suitably qualified and experienced service providers to submit proposals to render technical support and maintenance services for the oracle environment at the National Lotteries Commission
2.	Name of the responsible office	ICT Division
3.	Address for submitting proposals & other correspondence	Attention: The Supply Chain Senior Manager National Lotteries Commission Block D, Hatfield Gardens 333 Grosvenor Street Hatfield, Pretoria 0083 Telephone: 012-432 1300/1344/1302 Email: <a href="mailto:TOR1@nlcsa.org.za">TOR1@nlcsa.org.za</a> for the attention of Njabulo Mavuma
4.	Compulsory briefing session	None
	Closing date & time for submission of bid proposals	<b>18 January 2018 @11:00</b>
5.	Bid description:	Technical support and maintenance services for the oracle environment at the National Lotteries Commission
6.	Bid number:	<b>NLC/2018 - 20</b>

## 1. GENERAL / BACKGROUND

The National Lotteries Commission (NLC), 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 NLC operates in nine (9) provincial offices with the head office located in Hatfield in the Gauteng Province. A national private MPLS network interconnects each of the provincial offices to the head office.

The NLC operates an onsite Oracle Fusion environment comprising of the Human Capital Management, Finance and Supply Chain Management core modules. Additionally, a grant management solution was developed and implemented based on the core Fusion applications (Oracle Fusion sourcing, Oracle project portfolio management, Oracle web centre content management and Oracle web centre enterprise capture). NLC makes use of the Oracle E-Business Suite Payroll module.

The envisaged agreement is to be at the following office as identified below:

Region	Province	Town/City	Physical Address
Primary Site	Gauteng	Hatfield	NLC Hatfield Block D Hatfield Gardens 333 Grosvenor Rd Hatfield

			Pretoria
Secondary Site	Kwa Zulu Natal	Durban	Office 22 Smartxchange Building 05 Walnut Road Durban 4001

The NLC invites suitably qualified and experienced bidders to submit proposals. In line with the requirements of the Public Finance Management Act (PFMA) No. 1 of 1999 and Treasury Regulations, the NLC seeks to engage the services of a duly qualified bidder.

## 2. PURPOSE

NLC intends to appoint a suitably qualified service provider to render technical maintenance and support services on the Oracle environment. The services must be supported with a three (3) years SLA contract for both the hardware and software maintenance requirements.

## 3. OBJECTIVES

The services to be rendered must comprehensively address the key objectives listed below:

- Perform proactive monitoring and maintenance
- Allow for onsite technical support
- Undertake knowledge and skills transfer

## 4. OVERVIEW OF EXISTING ORACLE ENVIRONMENT

## 4.1. Hardware environment

### 4.1.1. Primary Site

#	Original Equipment Manufacturer	Description	Model	Host OS	Role
1	Oracle	Oracle Database Appliance	ODA-X5-2	Linux	Production
2	Oracle	Oracle Database Appliance	ODA-X5-2	Linux	DEV TEST
3	Oracle	Oracle Data Base Appliance	ODA-X5-2	Linux	Payroll
4	Oracle	10G Network Switch	N/A	N/A	Oracle Rack
5	Oracle	ZFS Network Storage Appliance	N/A	N/A	ODA Storage

### 4.1.2. Secondary Site (DR)

#	Original Equipment Manufacturer	Description	Model	Host OS	Role
1	Oracle	Oracle Data Base Appliance	ODA-X5-2	Linux	Disaster Recovery
2	Oracle	10G Network Switch	N/A	N/A	Oracle Rack
3	Oracle	ZFS Network Storage Appliance	N/A		ODA Storage

## 4.2. Applications environment

### 4.2.1. Primary Site

#	Technology Environment	Application Modules / Instances			
1	Oracle on Premise Fusion Applications 9.2	Oracle Fusion Financials, Oracle Fusion Procurement, Oracle Fusion Human Capital Management, Oracle Fusion Sourcing, Oracle Fusion Project Portfolio Management (PPM - GMS)			
2	Oracle Fusion Middleware 11g	Oracle Weblogic, Oracle Service Orientated Architecture(SOA), Oracle Business Intelligence (OBI), Oracle WebCenter Content Management, Oracle WebCenter Enterprise Capture.			
3	Oracle E-Business Suite Release 12.2	Oracle E-Business Suite Payroll			
4	Oracle Database	Oracle Enterprise Database 11g			
5	Oracle Operating System	Oracle Linux 6			
5	Oracle Fusion Environments	PRODUCTION	UAT	DEVELOPMENT	
6	Oracle E-Business Suite Payroll Environments	PRODUCTION	UAT	DEVELOPMENT	TEST

### 4.2.2. Secondary Site (DR)

#	Technology Environment	Application Modules / Instances			
1	Oracle on Premise Fusion Applications 9.2	Oracle Fusion Financials, Oracle Fusion Procurement, Oracle Fusion Human Capital Management, Oracle Fusion			

		Sourcing, Oracle Fusion Project Portfolio Management (PPM - GMS)
2	Oracle Fusion Middleware 11g	Oracle Weblogic, Oracle Service Orientated Architecture(SOA), Oracle Business Intelligence (OBI), Oracle WebCenter Content Management, Oracle WebCenter Enterprise Capture.
4	Oracle Database	Oracle Enterprise Database 11g
5	Oracle Fusion Environments	Disaster Recovery instance
6	Oracle Replication	Oracle DataGuard

## 5. SCOPE OF WORK

5.1. Render support and maintenance services for the Oracle technology environment

5.1.1. Support and Maintenance of the application layer.

SOW A	Description	Activities
1. Oracle Fusion	<ul style="list-style-type: none"> <li>• Oracle Fusion applications stack</li> <li>• Oracle Fusion Middleware</li> </ul>	<ul style="list-style-type: none"> <li>• 24/7/365 support</li> <li>• Monitor uptime of services</li> <li>• Backup management:               <ul style="list-style-type: none"> <li>○ Database</li> <li>○ Archive logs</li> <li>○ Operating system</li> </ul> </li> </ul>
2. Oracle Enterprise Database	Oracle Database	



3. Oracle E-Business Suite	Payroll	<ul style="list-style-type: none"> <li>• Patching management               <ul style="list-style-type: none"> <li>○ Mandatory</li> <li>○ Critical</li> </ul> </li> </ul>
4. Oracle Operating System	Linux	<ul style="list-style-type: none"> <li>• Cloning management               <ul style="list-style-type: none"> <li>○ As and when required</li> </ul> </li> <li>• UAT to Production Migration               <ul style="list-style-type: none"> <li>○ As and when required</li> </ul> </li> </ul>

### 5.1.2. Support and maintenance of the hardware layer

SOW-B	Description	Qty	Activities
1. Oracle Engineered Systems	Oracle Database Appliance	4	<ul style="list-style-type: none"> <li>• 24/7/365 proactive support</li> <li>• Monitor uptime of hardware</li> <li>• Monitor uptime of Oracle network environment</li> <li>• Equipment configuration management</li> <li>• Patching management               <ul style="list-style-type: none"> <li>▪ Mandatory</li> <li>▪ Critical</li> </ul> </li> <li>• Hardware component replacement in line with prevailing Oracle licensing arrangements</li> </ul>
	ZFS Storage Appliance	2	
	10GB Network Switch	2	
	Storage Tek LTO Tape Drive	1	

### 5.2. Render application enhancements

SOW-C	Description	Activities
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1. Oracle Fusion	<ul style="list-style-type: none"> <li>Oracle Fusion applications stack</li> <li>Oracle Fusion Middleware</li> </ul>	<ul style="list-style-type: none"> <li>Provisioning</li> <li>Configuration</li> <li>Modification and adaptation of existing workflow to new workflow requirements</li> </ul>
	<ul style="list-style-type: none"> <li>Implement Oracle webportal solutions based on PaaS</li> </ul>	<ul style="list-style-type: none"> <li>Design and development</li> <li>Provisioning</li> <li>Configuration</li> </ul>
	<ul style="list-style-type: none"> <li>API integration with 3<sup>rd</sup> party applications and service providers</li> </ul>	<ul style="list-style-type: none"> <li>Project participation</li> <li>Advise and assist in realising the project objectives</li> </ul>

### 5.3. Service Level Framework

The bidder is to propose an SLA framework that addresses as outlined in the table below:

SOW-D	Description
1. Service Level Agreement	Proactive support on 24/7/365 basis
	Onsite application level support
	Onsite hardware level support
	Application Enhancements
	Interface and facilitate existing NLC My Oracle Support (MOS)
	Onsite SLA review meetings and reporting
	Onsite skills transfer and capacity building methodology

## 6. DELIVERABLES

- Project rollout plan of the services
- Maintenance and Support Service Level Agreement
- Training plan (skills development and capacity building)

- Technology architecture of the monitoring environment
- Weekly, Monthly and adhoc reports as and when required.

## 7. DURATION OF APPOINTMENT

The SLA duration for services and support to be rendered is three (3) years from the date of formal appointment.

## 8. EVALUATION CRITERIA

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

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

Bidders must submit all the below mentioned requirements. Bids with deviations from the requirements /conditions, will be eliminated from further consideration.

- Original signed standard bidding documents (SBD Forms). It is required that the bidder provide correct information and declaration (where possible) in the SBD Forms.
- In the event of the bidder being in a joint venture, joint venture agreement must be submitted (where applicable).
- Bidder registration certificates (CK).
- Accreditation certificate by ORACLE not lower than Gold status.

**The following is a non-mandatory requirement and should be submitted:**

Central Supplier Database (CSD) Summarized Report. Please submit the current CSD Report.

**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 BBBEE status level contributor).

CRITERIA	SUB-WEIGHT	WEIGHT
<b>1. Company experience</b>		<b>20%</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 older 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>2. Experience of Team Members</b>		<b>25%</b>
<p>Considers the technical and professional skills of the core project team. The bidder must provide evidence of certification in the following Oracle technologies:</p>		

<ul style="list-style-type: none"> <li>i. Oracle Fusion applications administrations</li> <li>ii. Oracle Fusion middleware administrations</li> <li>iii. Oracle Database administrations</li> <li>iv. Oracle technical and Functional support and administrations</li> <li>v. Oracle Systems administrations:             <ul style="list-style-type: none"> <li>a. ODA appliances</li> <li>b. Storage appliances (ZFS, tape storage)</li> <li>c. Oracle virtualisation</li> <li>d. Oracle replication</li> <li>e. Oracle Linux OS</li> </ul> </li> <li>vi. Network administrations             <ul style="list-style-type: none"> <li>a. Firewalling of the Oracle environments</li> <li>b. Integration to reverse proxy environments</li> </ul> </li> <li>vii. Oracle PaaS for developing web-based applications including interfaces</li> </ul> <p>Brief capability statements must be given for each designated team member, emphasizing recent experience relevant to the task envisaged.</p>	
<p><b>3. Project Plan / Methodology</b></p>	<p><b>30%</b></p>
<p>The bidder must provide a detailed project plan that specifically addresses the following:</p> <ul style="list-style-type: none"> <li>a. Overall duration of project implementation and conclusion.</li> <li>b. Critical project constraints.</li> <li>c. Project dependencies for all critical stages of the project.</li> </ul>	
<p><b>2. Maintenance Framework</b></p>	<p><b>25%</b></p>

<p>The bidder must outline the service maintenance framework required to regulate the contractual outputs of the relationship:</p> <ol style="list-style-type: none"> <li>1. Options available to the NLC to log support requests.</li> <li>2. Procedures to follow for logging support requests.</li> <li>3. Response times based on applicable log request prioritisation guidelines.</li> <li>4. Methodology for ad-hoc solution request for enhancements</li> <li>5. Training plan methodology.</li> </ol>	
<b>Total:</b>	<b>100%</b>

**Phase 3: The 80/20 Principle based on Price and 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>B-BBEE Status Level of Contributor</b>	<b>Number of Points (80/20 system)</b>
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-Compliant contributor	0

### 10.3 Phase 3: The 90/10 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

## 11. GENERAL GUIDELINES

### 11.1 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:

**“TECHNICAL SUPPORT AND MAINTENANCE SERVICES FOR THE ORACLE ENVIRONMENT: NLC/2018 - 20”**

**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:

<i><b>Technical</b></i>	<i><b>Financial</b></i>
One (1) original	One (1) original
Four (4) copies	Four (4) copies
One (1) electronic copy (CD)	One (1) electronic copy (CD)
Total submission of copies including original & CD = Twelve (12)	

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;
- Any submission received after the deadline will not be considered; and
- The costing must remain valid and open for evaluation for a period of at least six (6) months from the time of submission.

**11.2 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.

### **11.3 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.

### **11.4 No legal relationship**

No binding legal relationship will exist between any of the bidders and the NLC until the execution of a signed contractual Service Level Agreement (“SLA”). The Terms of Reference (TOR) document will not form part of any such contract or arrangement.

### **11.5 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).

### **11.6 Format of your proposal**

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

#### **11.6.1 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 4.

#### **11.6.2 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.
- b) Bidders should indicate how the kiosks will be delivered to different Provincial Offices.
- c) The proposal must include a project plan and timeframes.

#### **11.6.3 Bidder experience**

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

## **12. STANDARD REQUIREMENT OF THE BID**

### **12.1 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 bidder 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 bidder 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.

## **12.2 Disclaimer**

- 12.2.1 The NLC reserves the right not to appoint a bidder.
- 12.2.2 The NLC may appoint more than one bidder.
- 12.2.3 The NLC also reserves the right to:

- a) Award the contract or any part thereof to one or more bidders;
- 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.

### **12.3 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.

### **12.4 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.

## 12.5 Prices

- a) All services' pricing should be inclusive of all taxes etc. and payment shall be made in South African Rand.
- b) 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 also provide a "Pricing Grid" or "Transaction Fee Schedule".

## 12.6 Prices adjustments

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

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

## 12.7 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 Chief Financial Officer (CFO) at the NLC's Finance Division at the address on page 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).

## 12.8 Validity

- a) A proposal shall remain valid for hundred and twenty (120) 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.

## 12.9 Signatories

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

## 13. 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. Additional bid offers must be submitted separately in separate sealed envelopes.
- j) The original valid Tax Clearance Certificate should be submitted together with the completed bid.
- k) Failure to comply with the above-mentioned conditions will invalidate the bid.
- l) Certified copies of the bidder registration documents or proof of ownership of the bidder or agency i.e. Shareholders Certificates.
- m) Certified copy of B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA must be submitted.

#### **14. OTHER CONDITIONS:**

- Only bidders who obtain at least 70% under Functional/Technical Evaluation will be considered for further evaluation on phase 2.
- Bidders are further requested to provide separate financial and technical proposals.
- Bidders are requested to provide a clear agreement regarding joint venture/consortia. The percentage involvement of each bidder 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.

- 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.
- 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.
- 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.
- Fraudulent practices shall result in immediate disqualification.
- NLC is under no obligation to accept any bid and reserves its right not to proceed with the appointment of any bidder that responded to the invitation to submit proposals, for whatever reasons it may consider appropriate.
- 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.)

## 15. PRESENTATIONS/SITE VISITS

15.1 Shortlisted bidders may be required to do a presentation and/or question and answer session.

14.2 The NLC may also conduct site visit/inspection.



## 16. 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.

### 16.1 Bid Enquiries

Name and Surname: Njabulo Mavuma

E-mail: TOR1@nlcsa.org.za

Fax: 086 568 7857

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.**



## Annexure 1: Supplier Ownership Form

Name of the supplier.....

Reference number: .....

Please furnish the National Lotteries Commission (NLC) with the following details:

Details of ownership	Please provide with the details
1. Percentage (%) of ownership by women	
2. Percentage (%) of ownership by youth (age 18 – 35)	
3. Percentage (%) of ownership by black people with disabilities	
4. Percentage (%) of ownership by black people who are military veterans	
5. Is the company a Cooperative owned by black people? <i>Yes/No</i>	
6. Is your company located in urban or rural area? <i>Please indicate</i>	
7. Kindly describe the nature of the area i.e. city/town/township/village	
8. Please provide full address of the city/town/ township/village	

\*\*NLC will refer to the Central Supplier Database (CSD) to verify the details provided.





The supplier hereby declare that the information provided above is true and correct.

.....

**Signature**

.....

**Position**

.....

**Date**



**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 - 20	CLOSING DATE:	18 January	CLOSING TIME:	11:00
DESCRIPTION	TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO RENDER TECHNICAL SUPPORT AND MAINTENANCE SERVICES FOR THE ORACLE ENVIRONMENT AT 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	Njabulo Mavuma		CONTACT PERSON		
TELEPHONE NUMBER	012 432 1302		TELEPHONE NUMBER		
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	<a href="mailto:Thobile@nlcsa.org.za">Thobile@nlcsa.org.za</a>		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 an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

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

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

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

2.2 Identity Number:.....

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

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

2.5 Tax Reference Number: .....

2.6 VAT Registration Number: .....

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

<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 attach proof of such authority to the bid document? YES / NO

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

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

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

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? YES / NO

2.8.1 If so, furnish particulars:  
.....  
.....  
.....

2.9 Do you, or any person connected with the bidder, have YES / NO

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?

2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

YES/NO

2.10.1 If so, furnish particulars.

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

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES/NO

2.11.1 If so, furnish particulars:

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



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

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

4 DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME 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
- b) The 80/20 preference point system will be applicable to this tender.

1.3 Points for this bid shall be awarded for:

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

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

	POINTS
<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:

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

Where

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

$P_t$  = 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 least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		

Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
<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	<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	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**

Js365bW



## **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

**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