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# REQUEST FOR INFORMATION

## LEASING OR PURCHASE OF AN INSETA BUSINESS INFORMATION MANAGEMENT AND RESOURCE PLANNING SYSTEM

RFI NUMBER: INSETARFI/2019/03

RFI CLOSING DATE: 19 JULY 2019

RFI SUBMISSION CLOSING TIME: 11:00am

INSURANCE SECTOR EDUCATION AND TRAINING AUTHORITY  
Ground Floor  
37 Empire Road, Parktown  
Johannesburg

**Contact:**

Name: Mr. Mukelani Mdlalose  
Telephone: (011) 381 8900  
Email: mukelanim@inseta.org.za

Tenderer Name: .....

**PROPOSED FEE FOR SYSTEM (LEASING)**

Total of the prices inclusive of value added tax: R .....

Amount in words: .....

.....

**PROPOSED FEE FOR SYSTEM (PURCHASING)**

Total of the prices inclusive of value added tax: R .....

Amount in words: .....

.....

**NB: INSETA WILL CONDUCT PUBLIC OPENING OF THE TENDER BOX ON 19 JULY 2019 AT 11:00AM**

**SBD 1 PART A INVITATION TO SUBMIT PROPOSALS**

YOU ARE HEREBY INVITED TO SUBMIT PROPOSAL FOR REQUIREMENTS OF THE INSETA					
<b>BID NUMBER:</b>	INSETARFI/2019/03	<b>CLOSING DATE:</b>	19 JULY 2019	<b>CLOSING TIME:</b>	11H00
<b>DESCRIPTION:</b>	REQUEST FOR INFORMATION FOR LEASING OR PURCHASE OF AN INSETA BUSINESS INFORMATION MANAGEMENT AND RESOURCE PLANNING SYSTEM				
<b>VALIDITY PERIOD:</b>	PROPOSALS TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF RFI				
PROPOSALS DOCUMENTS MUST BE DEPOSITED IN THE BID BOX SITUATED AT					

<b>INSETA</b>					
<b>Ground Floor</b>					
<b>37 Empire Road, Parktown, Johannesburg, 2193</b>					
SUPPLIER INFORMATION					
NAME OF SERVICE PROVIDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
		TCS PIN:		<b>OR</b>	CSD No:
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No
	[IF YES ENCLOSE PROOF]				[IF YES ANSWER PART B:3 BELOW ]
<b>SIGNATURE OF BIDDER</b>		.....		<b>DATE</b>	
<b>CAPACITY UNDER WHICH THIS PROPOSAL IS SIGNED (ATTACH PROOF OF AUTHORITY TO SIGN THIS BID; E.G. RESOLUTION OF DIRECTORS, ETC.)</b>					
<b>TOTAL NUMBER OF ITEMS OFFERED (LEASING OPT A)</b>				<b>TOTAL PROPOSED PRICE (ALL INCLUSIVE)</b>	
<b>TOTAL NUMBER OF ITEMS OFFERED (PURCHASE OPT B)</b>				<b>TOTAL PROPOSED PRICE (ALL INCLUSIVE)</b>	
<b>ANY ENQUIRIES REGARDING THE RFI PROCEDURE MAY BE DIRECTED TO:</b>					
Contact Person: Mukelani Mdlalose					
Department: Supply Chain Management					
E-mail address: mukelanim@inseta.org.za					

**SERVICES PROVIDERS ARE REQUIRED TO PROVIDE TWO (2) COSTING OPTIONS OF LEASING AND PURCHASING OF THE SYSTEM(S) FOR INSETA'S CONSIDERATION**

## PART B

### TERMS AND CONDITIONS FOR THE RFI

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

## 1. REQUEST FOR INFORMATION OVERVIEW

The Insurance Sector Education and Training Authority (INSETA) hereby invite experienced, credible and reliable system developers or service providers to submit information(s) or business solution and resource planning systems for INSETA's core business system and support system as set out in the INSETA business process map contained herein. Accordingly, this RFI must not be construed, interpreted, or relied upon, whether expressly or implicitly, as an offer capable of acceptance by any person(s), or as creating any form of contractual, promissory or other rights. No binding contract or other understanding for the supply of services will exist between INSETA and any respondents.

## 2. TERMS OF REFERENCE

### 2.1 INSETA Overview

The Insurance Sector Education and Training Authority (INSETA) is a public entity listed in schedule 3A of the PFMA and was established in March 2000.

In terms of its function, the INSETA must perform in accordance with the Skills Development Act (SDA), the Skills Development Levies Act (SDLA), the Public Finance Management Act (PFMA), any other relevant legislation and the Constitution.

The INSETA must, in accordance with any prescribed requirements –

- a) develop a Sector Skills Plan within the National Skills Development Plan (NSDP) framework by:
  - (i) implementing its Sector Skills Plan
  - (ii) establishing learning programmes;
  - (iii) approving work-place skills plans and annual training reports;
  - (iv) allocating grants, in the prescribed manner and in accordance with any prescribed standards and criteria, to employers, skills development providers and workers, and
  - (v) by monitoring the quality of occupation-based learning in the Sector;
- b) promote occupation-based learning programmes that include work experience by:
  - (i) identifying workplaces for practical work experience;
  - (ii) improving the facilitation and assessment of learning; and
  - (iii) assisting with the conclusion of agreements for learning programmes;
- c) register agreements for learning programmes;
- d) support and form partnerships
- e) when required to do so, as contemplated in section 7(1) of the SDLA, collect and disburse the skills development levies, allocated to it, in terms of sections 8 and 9 of the SDLA, in its Sector;
- f) submit to the Director-General any budgets, reports and financial statements on its income and expenditure, which it is required to prepare in terms of the PFMA, as well as plans and reports on the implementation of its Service Level Agreement;
- g) formulate policies and procedures of the SETA;

- h) perform any other functions and duties imposed on it by the Skills Development Act, the SDLA, other relevant legislation and this Constitution, or that are consistent with the purposes of the Skills Development Act, the SDLA, any other relevant legislation and this Constitution.

## **2.2 Definitions of abbreviations**

- i. DHET– Department of Higher Education and Training
- ii. AGSA – Auditor General South Africa
- iii. SDF – Skills Development Facilitator
- iv. SLA – Service Level Agreement
- v. PFMA– Public Finance Management Act
- vi. CRM – Customer Relationship Management
- vii. ETQA – Education Training and Quality Assurance
- viii. SGLMIS – Grant & Learner Management Information System
- ix. INSETA –Insurance Sector Education and Training Authority
- x. ID - Identification Document
- xi. NLRD – National Learner Record Database
- xii. QCTO - Quality Council for trades and occupations
- xiii. SAQA – South African Qualifications Authority
- xiv. SDA - Skills Development Act
- xv. SDLA – Skills Development Levies Act
- xvi. SETMIS - SETA Management Information System
- xvii. TVET - Technical Vocational Education and Training Colleges
- xviii. WIL - Work Integrated Learning
- xix. WSP – Work place Skills Plan
- xx. ATR – Annual Training Report
- xxi. DHA – Department of Home Affairs

## **2.3 Background**

INSETA is currently using the following leased systems namely:

- Management Information System (INDICIUM)- and
- Enterprise Resources Planning (ERP) – Microsoft Dynamics AX 2012

The systems are not integrated, and they do not have all the INSETA Business Processes embedded or built-into them.

The National Skills Development Plan influences the broad strategic programmes which guide the strategic plan and the annual performance plan of the INSETA. INSETA's strategic programmes are supported by the proposed Business Information Management System. This relates to the core businesses under the scope of work. INSETA has developed standard operating procedures for all its functions and this can be found in the Business Process Manual (BPM) which is available on INSETA website and the business blue print as provided on page 7 of the document.

## 2.4 Purpose and Objectives

INSETA is issuing this RFI to integrate its Core Systems and automating all business processes end-to-end. INSETA is seeking a solution that will digitalise all its business processes leading to a paperless office. Examples of other business processes:

- Online registration of SDFs, submissions of WSP/ATR Applications, submission of request for accreditation, submissions of the application to the requester, training providers accreditation, applications for learnership, Internship, bursary and skills Programmes.
- Online validation of submitted WSP/ATR and other applications in line with set DHET Regulations;
- Automated responses with approved or rejected status to applicants immediately after all the required information is submitted or uploaded;
- Automated reporting on using any core field on the database;
- Integration with National Treasury Central Supplier Database CSD, Home Affairs and South African Revenue Services (SARS)
- Integration of the DHET levy files into the INSETA accounting systems and creation of posting journals
- Integration of the MIS system with the ERP on the Calculation of mandatory grants based on approved WSP/ATR submissions
- Generating reports exception, statistics and monitoring reports in all the modules.

The solution should be compliant with the sector legislation, Frameworks, Standards and not limited to:

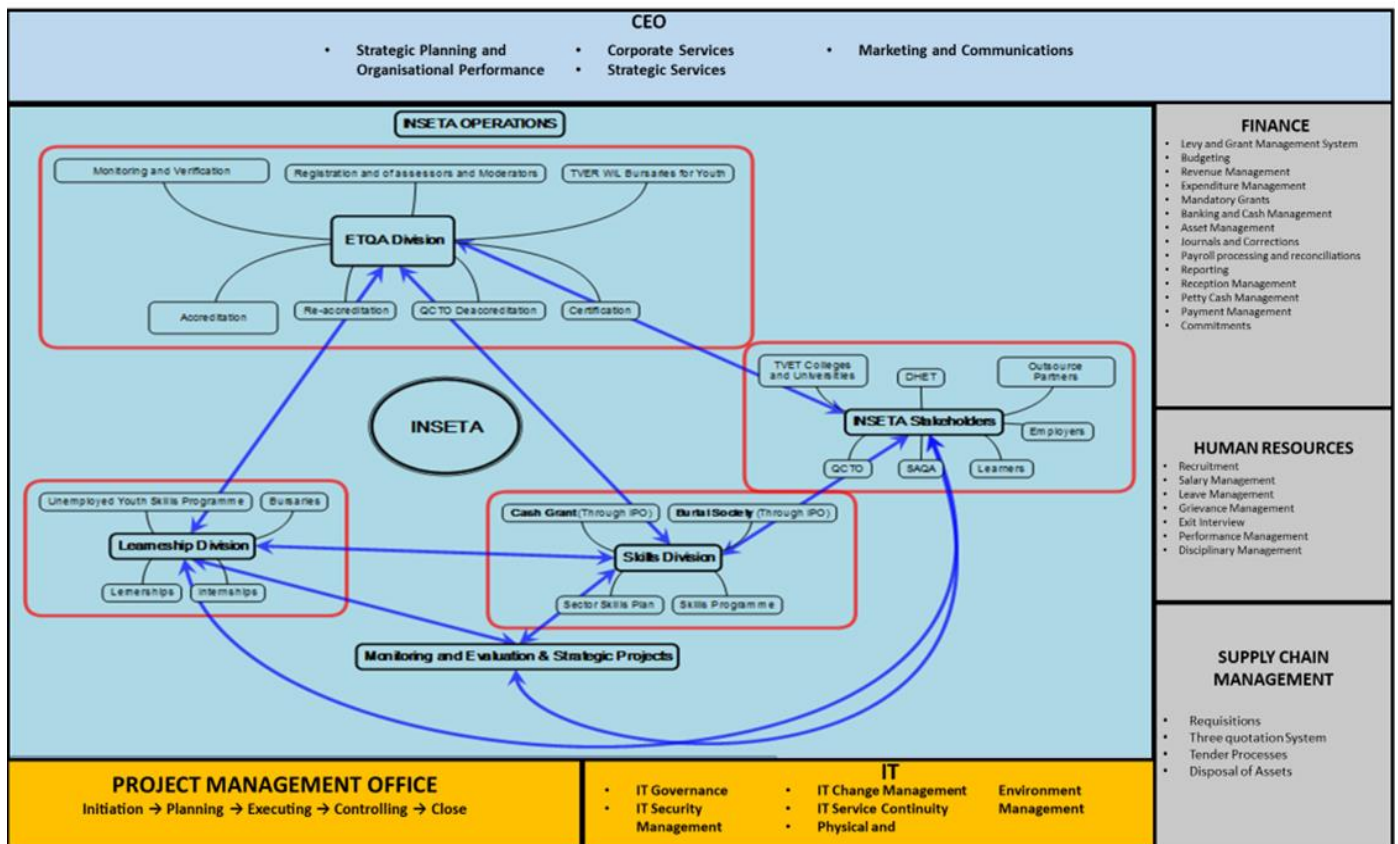
- Skills Development Act;
- PFMA;
- DHET - The Sector Education and Training Management Information System;
- Protection of Personal Information (POPI);
- Minimum Information Security Standard (MISS) also Known as the National Information Security Policy;
- ISO 27000 Series for Information Security Management;
- General Data Privacy Regulation;

INSETA understands that developing such business intelligence, the business requirements, processes and people factors are just as critical as the technical solution. Due to the complexity of implementing transformation projects such as this, INSETA is also seeking responses on vendor experiences and successes with similar projects for other regulatory clients. The responses from this RFI process may be used in a Request for Proposal (RFP) for the procurement of the Solution. This Request for Information is issued as a qualification to the competitive bidding process (RFP), and does constitute a solicitation, therefore suppliers not meeting the minimum requirements will be disqualified for the RFP. Responses to the RFI will not be returned. Tenderers must comply with all the instructions and all other requirements of this Invitation to submit RFIs. The costs of preparing this RFI will be borne by each vendor and it is not reimbursable by INSETA.

**NB: All Business Processes must be automated.**

Below is the INSETA Business Processes Blueprint

## INSETA Business Processes Blueprint



### 3. LEGISLATIVE FRAMEWORK OF THE RFI

- All service providers are to take note of the implications of contravening the Prevention and Combating of Corrupt Activities Act, Act No 12 of 2004 and any other Act applicable.
- This RFI is premised on all Acts and Regulations relevant to public Supply Chain Management in South Africa. These include, inter alia, Treasury Regulation 16A3 promulgated under Section 76 of the Public Finance Management Act, 1999 (Act, No. 1 of 1999), the Preferential Procurement Policy Framework Act 2000 (Act, No.5 of 2000), the Broad-Based Black Economic Empowerment Act, 2003 (Act, No. 53 of 2003), Promotion to Access of Information Act, 2 of 2000, Protection of Personal Information Act, 4 of 2013, Preferential Procurement Regulations 2017, Treasury Regulations and Value Added Tax Act, 1991 (Act No. 89 of 1991).

#### **4. STANDARD CONDITIONS OF THE RFI**

- a) Any false declaration of information will result in the exclusion of the proposal from any further consideration.

#### **5. SPECIAL CONDITIONS OF THE RFI**

- a. Only service provider(s) with relevant and compliant proposal who responded to this RFI will be considered for competitive bidding of this procurement.
- b. INSETA reserves the right to call all or certain service providers to make presentation to INSETA management should a need arise to get more clarity or information on their proposed solution.
- c. Service providers who submitted proposals which do not meet INSETA operations and working standards will not be considered for competitive bidding.
- d. The service provider must be a South African entity (Company, Close Corporation, Sole Proprietor or individual) or have a local branch office in South Africa.
- e. The service provider must comply with all applicable legislation in the Republic of South Africa in the performance of its daily activities, including but not limited to labour legislation and bargaining council agreements, health and safety regulations and environmental laws.
- f. INSETA will reject a proposal without any further consideration where service providers make culpable misrepresentation to INSETA in its proposals or at any stage during this RFI process.
- g. The Board and employees of INSETA shall not do any business with INSETA
- h. INSETA will, for this proposal, consider service providers who responded to this RFI in the bidding process.
- i. No faxed or e-mailed proposal(s) will be accepted

#### **6. RFI EVALUATION PROCESS**

The responses will be evaluated and adjudicated as follows:

- a. Alignment of proposed system with government legislative framework, INSETA polices and internal controls;
- b. Alignment of proposed system with INSETA processes blueprint;
- c. Proposed business solution methodology and functionality leading to paperless business processes; and
- d. Service provider's Presentation and supplier interview at INSETA offices should the need arise.



## 5. CONFIDENTIALITY

- a) Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, no information contained therein or relating to this RFI will be disclosed by any service provider or other person not officially involved with INSETA's examination and evaluation of an RFI.
- b) No part of the RFI may be distributed, reproduced, stored or transmitted, in any form or by any means, electronic, photocopying, recording or otherwise, in whole or in part except for the purpose of preparing an RFI. This RFI and any other documents supplied by INSETA remain proprietary to INSETA and must be promptly returned to INSETA upon request together with all copies, electronic versions, excerpts or summaries thereof or work derived there from.
- c) Throughout this RFI process and thereafter, service provider(s) must secure INSETA's written approval prior to the release of any information that pertains to (i) the potential work or activities to which this RFI relates; or (ii) the process which follows this RFI. Failure to adhere to this requirement may result in disqualification from the RFI process and civil action.

## 6. INTELLECTUAL PROPERTY, INVENTIONS AND COPYRIGHT

- a) Copyright of all documentation relating to this RFI inter-alia, the specifications belongs to the INSETA.
- b) The intellectual property pertaining to any enhancements to the proposed solution will belong to INSETA
- c) Service provider shall not use or sell INSETA's developed intellectual property without the prior consent of the SETA.
- d) If the service provider would like to use information or data generated by the service, the prior written permission must be obtained from INSETA.
- e) The Service provider acknowledges and agrees that:
  - i. Each provision of clause above is separate, severally and separately enforceable from any other provisions of this agreement and
  - ii. The invalidity or non-enforceability of any one or more provision hereof, shall not prejudice or effect the enforceability and validity of the remaining provisions of this agreement.

## 7. SUBMISSION OF PROPOSALS

- a) **A Two Envelope System will apply**, requiring submission of both Technical and Financial (including all SBD forms) Proposals at the same time, but in separate envelopes.
- b) The Financial Proposal must be attached to all completed & returned SBD forms.

- c) **Originals plus one (1) copy of the proposal** should be handed in/delivered for attention to:  
Mr. Mukelani Mdlalose, Supply Chain Management  
INSETA  
Ground Floor  
37 Empire Road, Parktown  
Johannesburg

**NB: Service providers are to indicate on the cover of each document whether it is the original or a copy**

- d) proposals should be submitted in a sealed envelope, marked with the name and address of the service provider:

RFI number: ERPRFI/2019/03

Closing date and time: 19 July 2019 at 11H00.

***NB: INSETA will conduct public opening of the tender box on 19 July 2019 at 11h00 am.***

- e) Service providers who wish to be part and observe the public opening process **MUST** be at INSETA offices; No.37 Empire Road, Parktown, Johannesburg at the before or by the closing date and time.
- f) Proposals will only be considered if received by the INSETA before the closing date and time, regardless of the method used to send or deliver such documents to the INSETA.
- g) proposals can be delivered between 08h30 and 16h00, Mondays to Fridays, prior to the closing date and between 08h30 and 11h00 on the closing date.
- h) All proposals must be submitted on the official forms (not to be re-typed).

## **8. LATE PROPOSALS**

- a) A proposal will not be considered if it arrives a second after 11h00 or any time thereafter. Proposals arriving late will not be considered under any circumstances.
- b) Proposal received late will be left unopened in our premises and service providers will arrange to collect them.
- c) Service providers are therefore strongly advised to ensure that proposals be despatched allowing enough time for any unforeseen events that may delay the delivery of the proposal.

## **9. CLARIFICATIONS & COMMUNICATION**

- a) Any clarification required by a service provider regarding the meaning or interpretation of the Terms of Reference, or any other aspect concerning the RFI, is to be requested in writing (e-mail) from Mr Mukelani Mdlalose at [Mukelanim@inseta.org.za](mailto:Mukelanim@inseta.org.za) by **19 July 2019 at 16H00**.
- b) The proposal number should be mentioned in all correspondence. All communication between the Service Provider(s) and INSETA must be done in writing. **Telephonic requests for clarification will not be accepted.** If appropriate, the clarifying information will be made available to all service providers by e-mail only.

- c) Any communication to an official or a person acting in an advisory capacity for INSETA, other than the official whose name and contact details are specified in the RFI document; in respect of the RFI between the closing date and the finalisation of the RFI by the Service providers(s) is discouraged.
- d) Whilst all due care has been taken in connection with the preparation of this RFI, INSETA makes no representations or warranties that the content of the RFI or any information communicated to or provided to Service Provider(s) during the RFI process is, or will be, accurate, current or complete. INSETA, its employees and advisors will not be liable with respect to any information communicated which may not be accurate, current or complete.
- e) If Service Providers(s) finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this RFI or any other information provided by INSETA (other than minor clerical matters), the Service Provider(s) must promptly notify INSETA in writing of such discrepancy, ambiguity, error or inconsistency in order to afford INSETA an opportunity to consider what corrective action is necessary (if any).
- f) Any actual discrepancy, ambiguity, error or inconsistency in the RFI or any other information provided by INSETA will, if possible, be corrected and provided to all Service Providers.

**PRICING SCHEDULE**

NAME OF SERVICE PROVIDERS: ..... RFI NO.: .....

CLOSING DATE..... CLOSING TIME 11:00

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF RFI.

ITEM NO	DESCRIPTION	RFI PRICE IN RSA CURRENCY ** (including all applicable taxes)
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- The accompanying information must be used for the formulation of costing proposals.
- Service Providers are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project R.....

(This figure must be equal to the total as indicated in the bidder's SBD 1 document)

1. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT (Deployment of the Business Information Management System Solution)

-----	-----days	R-----
-----	-----days	R-----
-----	-----days	R-----
-----	-----days	R-----
	Sub-total	R-----
	VAT	R-----
	Total	R-----

2. COSTING FOR VENDOR HOSTED SOLUTION

-----	R-----	
-----	R-----	
-----	R-----	
-----	R-----	
	Sub-total	R-----
	VAT	R-----
	Total	R-----

**Services providers are required to provide two (2) costing options of leasing and purchasing of the system(s) for INSETA's consideration**

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

**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 authorized representatives 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 representatives: .....

2.2 Identity Number: .....

2.3 Position occupied in the Company (director, trustee, shareholder, 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 individually identity numbers, tax reference numbers and, if applicable, employee/PERSAL number must be indicated in paragraph 3 below.

1“state means-

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

2“shareholder “means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

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

2.7.1 If so, furnish the following particulars:  
 Name of person /director /trustees /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 spouse 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 **YES/NO**

person employed by the state who may be involved with the evaluation and or adjudication of this bid?

2.10.1 If so, furnish particulars:

.....

.....

.....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies they are bidding for this contract? **YES/NO** whether or not

2.11.1 If so, furnish particulars:

.....

.....

.....

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

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

**4 DECLARATION**

I, THE UNDERSIGNED (NAME).....CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPH 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVES TO BE FALSE.

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of bidder**

**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 supply chain management system
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. failure to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p><b>(Companies or persons who are listed on this Database were informed in Writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</b></p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>Was the bidder or any of its directors convicted by a court of law (including a court of law outside 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:		

**CERTIFICATION**

**I, THE UNDERSIGNED (FULL NAME) .....CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.**

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

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

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

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

## 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
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;

- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
- (f) bidding with the intention not to win the bid.

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

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

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

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

.....  
Signature

.....  
Date

.....  
Name of the bidder

.....  
Position

