

**INSURANCE SECTOR EDUCATION AND TRAINING AUTHORITY
REQUEST FOR QUOTATION (RFQ)
PROVISION OF PUBLIC SUPPLY CHAIN MANAGEMENT AND CONSULTANTS SERVICES**

Description	:	Provision of Supply Chain Management consulting services for: Development of INSETA Procurement strategy Review and update of INSETA SCM Policy Review and update INSETA Standard Operating Procedures (SOP)			
RFQ issue date	:	21 November 2019	RFQ closing date	:	29 November 2019 @11h00
RFQ number	:	RFQ/2019/95	Enquiries	:	Lindiwe Duma
Email	:	lindiwed@inseta.org.za	Lead Time	:	Project duration of 10 weeks

1. PURPOSE:

The Insurance Sector Education and Training Authority (INSETA) hereby invites suitably, qualified and experienced prospective service provider(s) in the professional consulting environment to submit quotations to develop INSETA Supply Chain Management (SCM) Strategy, Review and update SCM Policy and SCM Standard Operating Procedure (SOP) and development of reporting template(s) on the implementation of the SCM strategy to measure compliance.

2. BACKGROUND AND SCOPE OF WORK:

2.1 Background

INSETA is one of the 21 Sector Education and Training Authorities (SETAs) in South Africa and is responsible for skills development within the insurance sector. It is therefore mandated to perform in accordance with the Skills Development Act (SDA), the Skills Development Levies Act (SDLA), the Public Finance Management Act (PFMA), INSETA constitution and any other relevant legislations.

INSETA as a Schedule 3 entity is compelled to implement its SCM processes in line with Section 217 of the Constitution of the Republic of South Africa, PFMA, National Treasury regulations and all other relevant legislations.

Section 2 of the preferential procurement policy framework act No 5 of 2000 charges organ of state to determine its preferential procurement policy and implement it inline with the framework. The establishment of preferential procurement policy framework enable organ of state to accomplish provisions provided under section 217 of the constitution of the Republic of South Africa which require organ of state when contracting through the procurement process to do so in accordance with the system which is fair, equitable, Transparent, competitive and cost effective.

The National Treasury in 2017 issued a revised Preferential Procurement Policy Framework Act which made number of provisions and room to empower small, emerging businesses as well as historical disadvantaged groups through supply chain management processes. The revised regulation gives organ of states leeway to allow small and emerging businesses to actively participate in government procurement processes without competing with well established businesses for certain procurements. The regulation provides opportunities for job creation, support & development of small businesses through the government spending on small businesses.

INSETA as a training and education government entity is committed in providing business opportunities to small & emerging businesses and historical disadvantaged groups through its SCM developmental strategies and processes.

2.2 Scope of work

2.2.1 Development of INSETA procurement strategy:

The service provider(s) in line with Section 217 of the constitution of the Republic of South Africa, section 2 of the preferential procurement policy framework act No 5 of 2000, Preferential Procurement Policy Framework of 2017 and Broad Black Based Economic Empowerment Act must develop INSETA procurement strategy which will be implemented by INSETA in procuring goods and services in the process that will empower small and emerging businesses and historical disadvantaged groups and allow actively participation of all size of businesses without unfair competition.

The service provider(s) will be required to develop reporting template which INSETA will use to measure compliance with its procurement strategy.

2.2.2 Review and update of INSETA existing SCM policy:

INSETA is required to update it SCM policy to be in line with recent National Treasury instructions and other applicable legislations. The service provider(s) will be required to review and update INSETA SCM policy to be updated with recent legislative developments and INSETA procurement strategy developed under 2.2.1 above.

2.2.3 Review and update of INSETA existing Standard Operating Procedure (SOP):

INSETA has SOP which guide INSETA staff on procurement processes and procedures. The service provider(s) will be required to review the current SOP and make necessary amendments and incorporate with the procurement strategy developed under 2.2.1 above to the SOP.

2.2.4 Presentation of the three (3) documents developed above to INSETA MANCO

The service provider will be required to present all the above documents to INSETA management committee for approval and submit final documents once approved by INSETA MANCO.

The assignment must be completed within ten (10) weeks from appointment date

3. CONFIDENTIALITY OF DOCUMENTS

- All produced documents, procurement strategy, reviewed SCM Policy, Standard Operating Procedures (SOP) and any other documentation of the assignment must be completed and handed over to INSETA – they remain property of INSETA and shall not be used for other purposes.

4. PRICING CONSIDERATIONS:

Bidders must provide costing on the following deliverables:

- 4.1 Development of INSETA Procurement Strategy (New Document)
- 4.2 Review of SCM Policy (review and update of existing document, 25-page document)
- 4.3 INSETA SCM Standard Operating Procedure Manual (SOP) (review and update of existing document, 23-page document)
- 4.4 Travel associated costs
- 4.5 Other costs

5. COMPULSORY REQUIREMENTS:

The following compulsory requirements must be provided:

5.1 Reference letters:

- The bidder must provide three (3) reference letters as follows:
 - Development of SCM strategy within the PFMA environment, (two Reference Letter)
 - Development or review of Public sector Supply Chain SOPs within the PFMA environment, review (One Reference Letter)OR
 - Update of Public sector SCM policies within the PFMA environment (One Reference Letter).

NB: Reference letters must be on referring client's letterhead, signed and dated. Reference letters must not be older than six (6) years.

5.2 CV and Qualification(s):

- The team leader must be in possession of a minimum NQF-Level 7 qualification and CV with a minimum of five (5) years' experience in the development of public sector SCM strategy within the PFMA environment, review and updating of SCM policies and Standard Operating Procedures.
- CV and copy of the relevant qualification must be submitted. The team leader should make clear the relevant skills, experience and capacity. The team leader must have adequate SCM

Experience and exposure to recent developments in the public sector supply chain environment.

5.3 Project Plan and methodology: Provide a project plan and methodology clearly articulating the stages of the required services and period of delivery with the project duration of ten (10) weeks. The service provider must explain their understanding of the objectives of this exercise, approach and the methodology for carrying out this exercise. The main activities of the exercise, their content and duration, phasing and interrelations, milestones, and delivery dates of the reports. The proposed work plan should be consistent with the approach and methodology.

5.4 Company profile: Provide a company profile indicating that the bidder has experience in the development of public sector procurement strategy, reviewing and updating of public sector SOPs and review & update of SCM policies.

6 NB! Failure to provide the above-mentioned compulsory requirements, will lead to proposals being disqualified and will not be evaluated further on Price and BBBEE.

Full Name of Bidder: _____

Company Name: _____

CSD Number: MAAA _____

TERMS AND CONDITIONS APPLICABLE TO THIS RFQ:

- INSETA reserves the right to request new or additional information from all bidders associated with their quotations.
- INSETA reserves the right to verify the information submitted by bidders.
- INSETA will reject/disqualify a bidder's offer/quotation without any further consideration where that Bidder makes culpable misrepresentation to INSETA in its submission or at any stage during and after this RFQ process.
- Bidders are required to declare any conflict of interests and potential conflict of interests they may have in the transaction for which this RFQ is submitted.
- INSETA reserves the right not to consider any quotation/proposal where such a conflict of interests exists.
- INSETA reserves right to make an appointment to more than one bidder depend on the outcome of the evaluation.
- Any and all documentation relating to this contract shall be the property of INSETA.
- In adherence to the specific terms and conditions of this RFQ, the bidder shall be bound by the provisions of the Government Procurement: General Conditions of Contract of 2010.
- Late and incomplete submissions will not be accepted.
- Quotations/proposals shall be valid for at least 60 days from date of submission.

- Quotations/proposals not in line with the scope of work and conditions of this RFQ shall be regarded as non-responsive and will not be accepted
- successful bidder must be able to finalize the SCM strategy, review both SCM Policy and SOP within ten (10) weeks from been offered an order or appointment letter.
- Bidders MUST be registered on the National Treasury Central Supplier Database (CSD) and state their supplier number in their quotations/proposals.
- Bidders are required to submit an original or certified BBBEE certificate or sworn affidavit in line with the Regulations.
- The 80/20 preference point system as prescribed by the Preferential Procurement Regulations, 2017 shall apply.
- Bidders must complete and sign SBD4, SBD6.1, SBD8 and SBD 9.
- INSETA does not do upfront payments.
- Quotations along with required documentation and SBD forms must be emailed to lindiwed@inseta.org.za on or before **29 November 2019 at 11h00**.

Failure to comply with the above conditions invalidates your offer

SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state, 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 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/ Peral 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

SBD 8

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>(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>audialterampartem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<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>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</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	<p>Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder



SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

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

taxes included).

1.2

- a) The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.

1.3 Points for this bid shall be awarded for:

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

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

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

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

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

2. DEFINITIONS

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

- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

- P_s = Points scored for price of bid under consideration
- P_t = Price of bid under consideration
- P_{min} = Price of lowest acceptable bid

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

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

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
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 20 points)
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

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

(Tick applicable box)

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

- 7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

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

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

Designated Group: An EME or QSE which is at last 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

- 8.1 Name of company/firm:.....
- 8.2 VAT registration number:.....
- 8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety

- Close corporation
 - Company
 - (Pty) Limited
- [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

8.6 COMPANY CLASSIFICATION

- Manufacturer
 - Supplier
 - Professional service provider
 - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

8.7 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 *audialterampartem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES

1.

.....

SIGNATURE(S) OF BIDDERS(S)

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ 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).² 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:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² 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 consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the 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.

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

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

.....
Signature

.....
Date

Working together for a skilled tomorrow

Ground floor, 37 Empire Road
Parktown, Johannesburg 2193
P.O. Box 32035, Braamfontein 2017

Telephone: 011 381 8900
Website: www.inseta.org.za

.....

Position

.....

Name of Bidder

