



## **KWAZULU-NATAL PROVINCE**

**SPORT AND RECREATION  
REPUBLIC OF SOUTH AFRICA**

### **REQUEST FOR QUOTATION (RFQ)**

*The Department of Sport and Recreation in the Province of KwaZulu Natal hereby invites suitably qualified suppliers/and or services providers to submit quotations for the following bid(s):*

<b>Description of Goods /Services:</b>	<b>SUPPLY AND DELIVERY OF SPORT EQUIPMENT</b>		
<b>Quotation Number:</b>	<b>DSR 60/2122</b>		
<b>Project Number:</b>	<b>OR/HGW/2122/05/02</b>		
<b>Evaluation Criteria</b>	<b>Price Points: 80</b>	<b>BEE Points: 20</b>	<b>Functionality: NA</b>
<b>Closing Date &amp; Time:</b>	<b>18 MAY 2021 AT 11H00 AM</b>		
<b>Requires at/Delivery Address:</b>	<b>DSR: HARRY GWALA DISTRICT</b>		
<b>Technical enquiries:</b>	<b>Contact Name: ANDILE NENE</b> <b>Email Address: <a href="mailto:Andile.nene@kzndsr.gov.za">Andile.nene@kzndsr.gov.za</a></b> <b>Contact No: 039 834 0053</b>		
<b>General/SCM enquiries:</b>	<b>NOKUTHULA SIKHAKHANE – 033 897 9447</b>		



### TERMS AND CONDITION

1. The Department of Sport and Recreation requires the item(s)/service(s) described as per attached price quotation invitation, and you are requested to complete the documents and to submit it in accordance with the under-mentioned stipulations.
2. Request for Quotation (RFQ) documents are attached.
3. **This acquisition involves a designated sector of textiles, clothing, leather and footwear and in this regard only locally produced goods, services or works or locally manufactured goods with a stipulated minimum threshold for local production and content will be considered. In this regard, your attention is drawn to the provisions of the relevant Instruction Note dated 16 July 2012.**

**3.1 In line with paragraph 5 of Instruction Note in question, a two-stage evaluation process will be followed as follows:**

- **Stage 1: Evaluation in terms of the stipulated minimum threshold for local production and content and other SCM compliance requirements, and**
- **Stage 2: Evaluation in terms of the 80/20 or 90/10 preference points system**

*Note: Stage 1 requirements are mandatory and Please note that 6.2 and Annexure C must be filled in completely and it is compulsory. Any supplier that does not comply will be disqualified.*

4. The KZN Department of Sports & Recreation reserves the right to award the quotation in whole or in parts to multiple suppliers. Quoted prices may be further negotiated with the lowest suppliers.
5. Completed quotation document(s) must be faxed to: **086 4588 033** or e-mailed to: [minibids@kzndsr.gov.za](mailto:minibids@kzndsr.gov.za) or deposited in the quotations box situated at 135 Pietermaritz Street, Pietermaritzburg 3201.
6. The closing date of the bid will be on **18 MAY 2021 at 11h00** and will be valid for a period of 30 days after the closing date.
7. The validity of the above quotation is thirty (30) days from the closing date.
8. The invitation is opened to suppliers registered on the Central supplier database with KZN Provincial Treasury and the KZN Department of Sports and Recreation.
9. The Department of Sport and Recreation reserves the right not to make any appointment. The department is not compelled to accept the lowest or any quotation.
10. Late quotations will not be considered, faxing time and posting date of quotations will not be considered as valid proof of submitting before the closing date.
11. It is the responsibility of the supplier to ensure that quotations are submitted to the correct address, fax and e-mail before the closing date and time.
12. **With regards the following goods and services:** Furniture and Sport Equipment/Attire, Transport, Medical, Insurance and Security, the following documentation **must** be submitted with your price quotation where applicable:
  - 12.1. An original Valid Tax Clearance Certificate, if the department is in the possession of the suppliers' original valid Tax Clearance Certificate in the Suppliers' Database Profile, the supplier must verify with the department and will need not submit another original certificate.
  - 12.2. Original and valid B-BBEE status level verification or a certified copy or a letter issued by the accountants as contemplated in the CCA or a verification agency accredited by SANAS or a registered auditor.

  
\_\_\_\_\_

**Mrs S. Dlamini**  
**Senior SCM Resource - DSR**

Date: 11/05/2021



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Department:  
Sport and Recreation  
Province of KwaZulu-Natal

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The Manager

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<b>Central Suppliers Database No.:</b>	<b>MAAA0</b>
<b>QUOTATION NUMBER:</b>	<b>DSR60/2122</b>
<b>PROJECT NUMBER:</b>	<b>OR/HGW/2122/05/02</b>
<b>REQUEST FOR QUOTATION:</b>	<b>SUPPLY AND DELIVER SPORT EQUIPMENT REQUIRED AT DSR HARRY GWALA DISTRICT OFFICE TO BE DELIVERED AS SOON AS POSSIBLE.</b>

1. The Department of Sport and Recreation requires the item(s)/service described per attached price quotation invitation, and you are requested to complete the documents and to submit it in accordance with the under-mentioned stipulations:
  - 1.1. The conditions contained in the attached annexures apply.
  - 1.2. The price quotation must be submitted in a sealed envelope with the name and address of the bidder with the price quotation number and closing date indicated on the envelope. The cover or envelope must not contain documents relating to any bid other than that shown on the cover or envelope.
  - 1.3. The price quotation must be faxed to **086 598 1869** or e-mailed to [minibids@kzndsr.gov.za](mailto:minibids@kzndsr.gov.za) or hand delivered to: **Sport and Recreation House, 135 Pietermaritz Street, Pietermaritzburg 3201.**
  - 1.4. Price quotations submitted per mail must be sent per registered mail. The price quotation must still reach this office before the closing time. Failure do so will invalidate the price quotation.
    - 1.4.1. The closing date of the bid will be **on 18 MAY 2021 @11H00 am** and will be valid for a period of 30 days after the closing date.
    - 1.4.2. The attached forms/annexures must be completed in full and returned with your price quotation.
2. **All communication regarding this bid before the closing date and time must be done in writing.**



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3. You are advised to acquaint yourself with the contents of the attached General Conditions of Contract. **With regards the following goods and services:** Transport, Medical, Insurance and Security, the following documentation **must** be submitted with your price quotation where

- Roadworthy Certificates, PDPs and Proof of Liability Cover;
- Registration Certificate and Practice Number in respect of Medical Service;
- Certificate issued by the Financial Services Board with FSP number in respect of Insurance; and
- PSIRA Registration Certificate in respect of Security Services.

Yours faithfully

**Mrs. S. Dlamini**

**Senior SCM Resource: DSR**





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*Make a duplicate copy where items are more than the space provide*



**SECTION A: THE FOLLOWING MUST ALSO BE FURNISHED**

CENTRAL SUPPLIERS DATABASE (CSD) REGISTRATION NUMBER: MAAA0

DELIVERY DATE: \_\_\_\_\_

VALIDITY PERIOD OF QUOTATION: 30 DAYS

**PLEASE TICK ✓ THE RELEVANT FIELD**

ARE PRICES QUOTED FIRM:	YES		NO	
SUBMISSION OF B-BBEE STATUS LEVEL CERTIFICATE OR SWORN AFFIDAVIT:	YES		NO	
VALID TAX CLEARANCE CERTIFICATE:	YES		NO	
ENTITY BAS REGISTRATION:	YES		NO	

VAT REGISTRATION: IF YOU ARE A VAT VENDOR

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IS THIS OFFER STRICTLY TO SPECIFICATION? IF NOT, GIVE VARIATION	YES		NO	
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**VARIATION:**

*IF SPACE IS INSUFFICIENT, ATTACH DETAILS (1 PAGER)*

**SECTION C: QUOTATIONS FOR SERVICES (courses/workshops etc.)**

The following information must be submitted on a separate schedule

- (a) Operational plan/methodology/approach;
- (b) Breakdown of costing;
- (c) Curriculum Vitae of course/workshop facilitators; and
- (d) References - work experience

**SECTION D: KINDLY USE COMPANY STAMP AND SIGN SECTION D: KINDLY USE COMPANY STAMP AND SIGN**

Name and Surname *(Please print)*:

\_\_\_\_\_

Delivery address: \_\_\_\_\_

\_\_\_\_\_

COMPANY STAMP

Signature: \_\_\_\_\_

Capacity: \_\_\_\_\_

**SECTION E: DELIVERY QUOTE USING THE METHOD LISTED BELOW:**

Email or Fax documents strictly and specifically to: [minibids@kzndsr.gov.za](mailto:minibids@kzndsr.gov.za) Or 086 598 1869



**2.2 (SBD 2)**

**TAX CLEARANCE CERTIFICATE REQUIREMENTS**

**It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.**

1. In order to meet this requirement, bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
2. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
3. The valid original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
4. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
5. Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).
6. Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za).

**I HAVE READ AND COMPLIED WITH THE SPECIAL INSTRUCTIONS ABOVE:**

.....  
**SURNAME AND INITIALS OF REPRESENTATIVE**

.....  
**DATE**

.....  
**SIGNATURE**

OFFICIAL COMPANY STAMP
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**DECLARATION OF INTEREST**

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest, 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, 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<sup>2</sup> / 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



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(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/ shareholder/ member	Name of state institution to which the person is connected	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
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2.7.2.1 If yes, did you attach proof of such authority to the bid document? 

Yes	No
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**(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/shareholders/members or their spouses conduct business with the state in the previous twelve (12) months? 

Yes	No
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2.8.1 If so, furnish particulars:

.....



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.....  
 .....

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
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2.9.1 If so, furnish particulars:

Name of person/ director/ shareholder/ member	Name of state institution to which the person is connected	Position occupied in the state institution	Nature of relationship

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

Yes	No
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2.10.1 If so, furnish particulars:

Name of person/ director/ shareholder/ member	Name of state institution to which the person is connected	Position occupied in the state institution	Nature of relationship

2.11 Do you or any of the directors/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:

.....  
 .....



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

Full name	Identity number*	Personal Tax Reference Number	State Employee Number / Pearsal Number

\*Copies of Identity Document must be attached.

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**DECLARATION**

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

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF  
PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THE  
DECLARATION PROVE TO BE FALSE.

\_\_\_\_\_  
**SIGNATURE**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**POSITION**

\_\_\_\_\_  
**NAME OF BIDDER**

**Note :** Should the bidder or any of its directors/members or shareholders be employees of any organ of state as contemplated in the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), such member/director or shareholder must submit a certified copy of the permission granted by the Executive Authority of his/her Department to conduct remunerative work in the Public Service as contemplated in the Public Service Act, 1994 (Act 103 of 1994) Chapter VII, Sections 30 and 31. Failure to submit the proof will automatically invalidate the bid. Knowingly not submitting it will make the person liable for fraud.



## **DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

### **1. General Conditions**

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9) makes provision for the promotion of local production and content.
- 1.2. Regulation 9(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for bids referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.



**The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.**

1.6 A bid may be disqualified if –

- (a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
- (b) the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.

## **2. Definitions**

- 2.1. **“bid”** includes written price quotations, advertised competitive bids or proposals;
- 2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);
- 2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- 2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).
- 2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour or intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
- 2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and



2.9. “sub-contract” means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

3. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
Textile, Clothing and Leather	100 %
_____	_____ %
_____	_____ %

4. Does any portion of the services, works or goods offered have any imported content?  
 (Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za).

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

5. Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct?  
 (Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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5.1. If yes, provide the following particulars:

- (a) Full name of auditor: .....
- (b) Practice number: .....
- (c) Telephone and cell number: .....



(d) Email address: .....

(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)

6. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

**LOCAL CONTENT DECLARATION**  
**(REFER TO ANNEX B OF SATS 1286:2011)**

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID NO.** .....

**ISSUED BY:** (Procurement Authority / Name of Institution):  
 .....

**NB**

1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on <http://www.thdti.gov.za/industrialdevelopment/ip.jsp>. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, ..... (full names),  
 do hereby declare, in my capacity as .....  
 of .....(name of bidder  
 entity), the following:

- (a) The facts contained herein are within my own personal knowledge.  
 (b) I have satisfied myself that:





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- (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (ii) the declaration templates have been audited and certified to be correct.

(c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.**

**The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_

**DATE:** \_\_\_\_\_



**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	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>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	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 access this Register enter the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>), click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 326-5445.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		



**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. disregards 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:

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(Bid Number and Description)

in response to the invitation for the bid made by:

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(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.

<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.

7. 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.
8. 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.
9. 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.
10. 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**

11. 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

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