

RFQ NUMBER:
NRF SARAO SPMT/8762

DESCRIPTION:
SUPPLY AND DELIVERY OF HAND AND POWER TOOLS

CLOSING DATE: **22 MAY 2019**
CLOSING TIME: **11:00**

Quote submitted via email: abowers@ska.ac.za

The following conditions will apply:

- Price(s) quoted must be valid for at least thirty (60) days from date of your offer.
- Price(s) quoted must be firm and must be inclusive of VAT.
- Submit your original or certified BBBEE Certificate if you are claiming for BBBEE points, failing which, the BBEEE claimed will be forfeited or zero points will be allocated.
- Provide an updated CSD summary report. To register https://secure.csd.gov.za/
- Price (s) are expected not to exceed R500 000 inclusive of VAT.
- Returnable documents: SBD4, SBD6.1, SBD8 and SBD9 must be completed and returned as part of the RFQ and submitted with the supporting documentation required.
- *Payment terms – within 30 days after goods has been delivered and invoice received*

Quotations over a value of R 30 000.00 (VAT included) must be accompanied by the relevant SBD documentation for Quotations duly completed, and the enclosed Declaration of interest (SBD 4), Declaration, preference points claim form in terms of the preferential Procurement regulations 2011 (SBD 6.1), Declaration of Bidder's Past Supply Chain Management Practices (SBD8), Certificate of Independent Bid Determination (SBD9)

- *The successful provider will be the one scoring the highest points in the event of the lowest bid being higher than R30 000.00.*
- *Late or faxed quotations will not be considered. SKA reserves the right to withdraw any invitation to quote and/or to re-advertise or to accept a part of it. SKA does not bind itself to accepting the lowest quotation.*

Failure to comply with the highlighted conditions will invalidate your offer.

This request for formal quotation is subject to the preferential procurement policy framework act and the preferential procurement regulations, 2017, the general conditions of contract (GCC) and, if applicable, any other special conditions of contract.

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THE FOLLOWING PARTICULARS MUST BE FURNISHED
(FAILURE TO DO SO WILL RESULT IN YOUR OFFER BEING DISQUALIFIED)

NAME OF BIDDER ……

POSTAL ADDRESS ……

STREET ADDRESS ……

TELEPHONE NUMBER CODE ……NUMBER……

CELLPHONE NUMBER ……

FACSIMILE NUMBER CODE ……NUMBER……

E-MAIL ADDRESS ……

VAT REGISTRATION NUMBER ……

CSD Supplier Number MAAA……

(Tick applicable box)

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (MBD 6.1)

YES ☐ **NO** ☐

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

……

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)

YES ☐ **NO** ☐

A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN NATIONAL ACCREDITATION SYSTEM

YES ☐ **NO** ☐

A REGISTERED AUDITOR

YES ☐ **NO** ☐

AN ORIGINAL B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE

ARE YOU THE ACCREDITED REPRESENTATIVE **YES** ☐ **NO** ☐

SIGNATURE OF SERVICE PROVIDER ……

DATE ……

CAPACITY UNDER WHICH THIS PROPOSAL IS SIGNED ……...

TOTAL PRICE (INCL VAT) ……....

The South African Radio Astronomy Observatory (SARAO) is a National Facility managed by the National Research Foundation and incorporates all national radio astronomy telescopes and programmes.



INTRODUCTION TO THE SARAO

The South African Radio Astronomy Observatory (SARAO) spearheads South Africa's activities in the Square Kilometre Array Radio Telescope, commonly known as the SKA, in engineering, science and construction. SARAO is a National Facility managed by the National Research Foundation and incorporates radio astronomy instruments and programmes such as the MeerKAT and KAT-7 telescopes in the Karoo, the Hartebeesthoek Radio Astronomy Observatory (HartRAO) in Gauteng, the African Very Long Baseline Interferometry (AVN) programme in nine African countries as well as the associated human capital development and commercialisation endeavours.

The following is required:

SARAO requires the service of a supplier to supply and deliver hand Tools and Power tools for the SARAO activity zone at the Cape Town Science Centre. The tools will need to be delivered on or before the 31 May 2019 and the SARAO office in observatory Cape Town.

A Detailed list of hand Tools and Power Tools can be found in SBD3.1 Schedule 2, page 4 of 23

Procurement will be in one phase:

Phase 1: Determine that responses are complete and the proposed supplier are competent to deliver and be evaluated on price and preference.

Bidders should submit the following documentation:

1. Quotation completed as per QUOTATION TEMPLATE and include suppliers original quote
2. CSD summary with tax compliance status
3. Confirmation of Registration on Procurement Database

ENQUIRIES CONTACT:

Mrs. Amy Leigh Bowers
SKA SA Procurement
Email: abowers@ska.ac.za
Tel : 021 506 7300

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PRICING SCHEDULE - SERVICES (SBD 3.1) – SCHEDULE 2

PRICING SCHEDULE – FIRM PRICES

NOTE: **ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED**

QUOTATION TEMPLATE

Item Description:	**QNTY**	**Quoted Price**
HAND TOOL REQUIREMENTS:		
• 3 Piece Wood Chisel Set: Set to include: 12mm, 16mm & 22mm- Solid one –piece forged blade. Chisel must be equivalent to the Irwin M444 Marples Bevel Edge set	1	
• 6 Piece Steel Screwdriver Set. Equivalent to the Wera Screwdriver black Tip	2	
• 10 Piece Ratchet set Equivalent to the Raco10 piece socket Set RT4-488	1	
• 3 Piece pliers set. Set to include: 1 of each: Combination, Long nose & Side Cutter all with insulated handles	1	
• Vernier Caliper(150mm) Standard equivalent to Eavern with an accuracy level: 0.02mm	1	
POWERTOOL REQUIREMENTS:		
• Welding Machine - Matweld 9079 Synergy 200A MIG Welder	1	
• Compressor - Stallion Air 2050, 100L x 3HP Compressor with W-PUMP delivering 320L of air per minute	1	
• MITRE Saw - 216mm 1500W Met- Crosscut / MITRE Saw KGS216M	1	
• Hammer Drill - Bosch GBH 2-26 D SDS Hammer Drill	1	
• Cordless Drill - Bosch GSB 18-2 Kit Cordless Impact Drill	1	
DELIVERY TO TAKE PLACE ON OR BEFORE 31 MAY 2019: ***SARAO- 2 FIR STREET, BLACK RIVER PARK, NORTH GATE OBSERVATORY,***		
TOTAL:		R_____

OFFER TO BE VALID FOR 60 DAYS FROM THE CLOSING DATE OF BID.

The total estimated cost of the contract will not exceed R 500 000.00 **(Five Hundred Thousand Rand)** Including VAT and all disbursement.

A detailed quotation must also be submitted that corresponds to the above pricing schedule.

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NAME (PRINT) .....
AUTHORSIED SIGNATORY

SIGNATURE .....

OFFICIAL STAMP

DECLARION OF INTEREST (SBD4) - SCHEDULE 3

SBD 4

DECLARATION OF INTEREST

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

   - the bidder is employed by the state; and/or

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

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

2.1 Full Name of bidder or his or her representative:

.....

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2.2 Identity Number:

……

2.3 Position occupied in the Company (director, trustee, shareholder[2]):

……

2.4 Company Registration Number:

……..…….

2.5 Tax Reference Number:

……..……

2.6 VAT Registration Number:

……....

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

[1] "State" means –

(a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

(b) any municipality or municipal entity;

(c) provincial legislature;

(d) national Assembly or the national Council of provinces; or

(e) Parliament.

[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 / trustee / shareholder/ member:

……..……

Name of state institution at which you or the person connected to the bidder is employed:

……..

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Position occupied in the state institution:

……

Any other particulars:

……

……

……

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES** ☐ **NO** ☐

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES** ☐ **NO** ☐

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

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

……

……

……

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

2.8.1 If so, furnish particulars:

……

……

……

……

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES** ☐ **NO** ☐

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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:

……

……

……

The South African Radio Astronomy Observatory (SARAO) is a National Facility managed by the National Research Foundation and incorporates all national radio astronomy telescopes and programmes.



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

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

4 DECLARATION

I, THE UNDERSIGNED (NAME)……

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF

THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

…….. ……

Signature Date

…… ……

Position Name of bidder

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PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017- SCHEDULE 4

SBD 6.1

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

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.

GENERAL CONDITIONS

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).

The value of this bid is estimated to exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the ……... preference point system shall be applicable; or
Either the 80/20 or 90/10 preference point system will be applicable to this tender (delete whichever is not applicable for this tender).

Either the 80/20 or 90/10 preference point system will be applicable to this tender (delete whichever is not applicable for this tender).
Points for this bid shall be awarded for:
Price; and
B-BBEE Status Level of Contributor.
The maximum points for this bid are allocated as follows:

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

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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.

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.

DEFINITIONS

"**B-BBEE**" means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

"**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;

"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;

"**Broad-Based Black Economic Empowerment Act**" means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

"**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;

"**functionality**" means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.

"**price**s" includes all applicable taxes less all unconditional discounts;

"**proof of B-BBEE status level of contributor**" means:

B-BBEE Status level certificate issued by an authorized body or person;

A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;

Any other requirement prescribed in terms of the B-BBEE Act;

"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;

"**rand value**" means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

POINTS AWARDED FOR PRICE

THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20 or 90/10

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$$Ps = 80\left(1 - \frac{Pt - P\min}{P\min}\right) \quad \text{or} \quad Ps = 90\left(1 - \frac{Pt - P\min}{P\min}\right)$$

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

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

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

BID DECLARATION

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

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

B-BBEE Status Level of Contributor: . = …… (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

SUB-CONTRACTING

Will any portion of the contract be sub-contracted?

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(Tick applicable box)

YES		NO	

If yes, indicate:

What percentage of the contract will be subcontracted.....……%?

The name of the sub-contractor……...

The B-BBEE status level of the sub-contractor.....……...

Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES		NO	

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 town-ships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

DECLARATION WITH REGARD TO COMPANY/FIRM

Name of company/firm: …….

VAT registration number: ……

Company registration number: ……

TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

……

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……
……
……..

COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

Total number of years the company/firm has been in business: ……

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-BBEE 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:

The information furnished is true and correct;

The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

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;

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 –

disqualify the person from the bidding process;

recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

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;

recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the Audi alter am partum (hear the other side) rule has been applied; and forward the matter for criminal prosecution.

WITNESSES	SIGNATURE(S) OF BIDDERS(S)
1. ……..	……..
2. ……	DATE ……..
	ADDRESS ……..
	……..

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SBD 7.2

CONTRACT FORM - RENDERING OF SERVICES
SCHEDULE 5

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution) …… in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number NRF SARAO SPMT 8762 At the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.

2. The following documents shall be deemed to form and be read and construed as part of this agreement:

(i) Bidding documents, *viz*
- Invitation to bid;
- Tax clearance certificate;
- Pricing schedule(s);
- Filled in task directive/proposal;
- Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
- Declaration of interest;
- Declaration of bidder's past SCM practices;
- Certificate of Independent Bid Determination;
- Special Conditions of Contract;

(ii) General Conditions of Contract; and
(iii) Other (specify)

3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.

5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) ……

CAPACITY ……

SIGNATURE ……

NAME OF FIRM ……
DATE ……

WITNESSES

1 ……

2 ……

DATE: ……

The South African Radio Astronomy Observatory (SARAO) is a National Facility managed by the National Research Foundation and incorporates all national radio astronomy telescopes and programmes.



SBD 7.2

CONTRACT FORM - RENDERING OF SERVICES
SCHEDULE 5.1

PART 2 (TO BE FILLED IN BY (SARAO)

1. I, Mr. Shawn Basson in my capacity as Financial Manager Accept your bid under reference number NRF SARAO SMPT 8762 date……..for the rendering of services indicated hereunder and/or further specified in the annexure(s).

2. An official order indicating service delivery instructions is forthcoming.

3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	B-BBEE STATUS LEVEL OF CONTRI-BUTION	MINIMUM THRESH-OLD FOR LOCAL PRODUCTION AND CONTENT (if appli-cable)
SUPPLY AND DELIVERY OF HAND TOOLS AND POWER-TOOL			

4. I confirm that I am duly authorized to sign this contract.

SIGNED AT **SARAO Office, Observatory** ON ……..…… /

NAME (PRINT) **Mr. Shawn Basson**

SIGNATURE ……..

OFFICIAL STAMP

WITNESSES

1 ……..

2 ……..

DATE: ……..

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SBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES
SCHEDULE 6

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? **(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 *audi alteram partem* rule was applied).** 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.	Yes ☐	No ☐
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)? **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.**	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		

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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 ☐	No ☐
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 ☐	No ☐
4.4.1	If so, furnish particulars:		

SBD 8

CERTIFICATION

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

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

……... **……..**
Signature **Date**

…… **……..**
Position **Name of Bidder**

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SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION
SCHEDULE 7

1 This Standard Bidding Document (SBD) must form part of all bids[1] 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.

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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 bid der 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 “com petitor” 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

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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[3] 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.
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

[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.

……	……
Signature	Date
……	……
Position	Name of Bidder

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NATIONAL TREASURY GENERAL CONDITIONS OF CONTRACT (NT GCC)
SCHEDULE 8

NATIONAL TREASURY GENERAL CONDITIONS OF CONTRACT (NT GCC)

*Please refer to SARAO's website for the National Treasury's general conditions of contract
http://www.ska.ac.za/tenders/procurement-documents

I confirm that I have read and understand the conditions set out in the above link in terms of the General Conditions of Contract am duly authorized to sign this contract.

SIGNED AT ……ON……

NAME (PRINT) ……

SIGNATURE ……

WITNESSES

3 ……

4 ……

DATE: ……

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