



**nhc**

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**National Heritage Council**  
SOUTH AFRICA

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**an agency of the**  
Department of Arts and Culture

**TERMS OF REFERENCE**  
**INTERNAL AUDIT SERVICES**  
**REF: NHC/01/2017/18**

## SUMMARY OF TENDER

1. Assignment:	The National Heritage Council (NHC) requires suitably qualified and experienced service providers to submit proposals for rendering Internal Audit services for a period of three (3) years
2. Name of the responsible office:	Supply Chain Management
3. Address for submitting proposals & other correspondence:	The Supply Chain Manager, National Heritage Council, No 57 Kasteel Road, Domus Building, Room 201, Lynwood Glen, Pretoria
4. Telephone:	012 348 1663
5. Email:	procurement@nhc.org
6. Attention:	Mr S Skenjana
7. Closing Date & Time for submission of proposals:	13 September 2017 at 11H00
8. Bid Description:	Appointment of a suitably qualified and experienced service provider to render Internal Audit Services for a period of three (3) years
9. Bid Number:	NHC/01/2017/18

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### TERMS OF REFERENCE

## Table of Contents

1. BACKGROUND AND ABBREVIATIONS.....	4
2. GENERAL GUIDELINES.....	4
3. INSTRUCTION FOR PROPOSALS.....	7
3. SCOPE OF SERVICE .....	8
4. CONTRACT MAINTANANCE REQUIREMENTS .....	11
5. PERFORMANCE STANDARDS.....	11
6. CONTRACT PERIOD.....	11
7. STANDARD REQUIREMENTS OF THE BID .....	12
9. EVALUATION CRITERIA .....	13
10. PRICES .....	16
11. PAYMENT TERMS .....	16
12. VALIDITY.....	17
13. SIGNATORIES .....	17
14. SPECIAL TERMS AND CONDITIONS.....	17
15. SUBMISSION OF BID DOCUMENTS.....	18
16. LATE SUBMISSION .....	18
17. CLARIFICATIONS / ENQUIRIES.....	18
18. ANNEXURES .....	19
1. Full details of directors / trustees / members / shareholders. ....	31
4. DECLARATION.....	31
80/20 or 90/10.....	34

## **1. BACKGROUND AND ABBREVIATIONS**

### **1.1 National Heritage Council**

The National Heritage Council of South Africa is a public entity that is responsible for the preservation of the country's heritage. The important areas that the NHC focuses on a policy development for the sector to meet its transformation goals, public awareness and education, knowledge production in heritage subjects that were previously neglected, as well as making funding available to projects that place heritage as a socio-economic resource. The National Heritage Council (NHC), a Schedule 3A public entity that came into existence through an amendment of the Cultural Laws Second Amendment Act 69 of 2001, and was officially constituted through the National Heritage Act of 1999.

### **1.2 Background to the Bid**

Section 51(1)(a)(ii) of the PFMA requires that the Accounting Officer of a Public Entity must ensure that the Public Entity has and maintains a system of Internal Audit under the control and direction of an Audit Committee complying with and operating in accordance with regulations and instructions prescribed in terms of Section 76 & 77 of the Act.

To ensure that an effective and efficient Internal Audit (IA) function is maintained, the NHC seeks to appoint a suitably qualified and experienced service provider to provide an Internal Audit service for an uninterrupted period of three (3) years commencing upon the counter signing of the Service Level Agreement (SLA) by the NHC and the preferred bidder.

## **2. GENERAL GUIDELINES**

Completed Tender submissions should be hand-delivered in sealed envelopes to the NHC at the address on page 1 of this document. All envelopes should be sealed and clearly marked.

All enquiries should be in writing and must be directed to: [procurement@nhc.org.za](mailto:procurement@nhc.org.za) for the attention of Mr S Skenjana. Enquires will be allowed from the date of invitation until seven days before the closing date for submission of proposals.

In line with the requirements of the Public Finance Management Act No. 1 of 1999 (PFMA), section and Treasury Regulations, the NHC seeks to engage the services of a duly qualified service provider to NHC.

## 2.1 Purpose of the Terms of Reference (TOR)

The purpose of this bid is to appoint a suitably qualified and experienced service provider to provide Internal Audit service for a period of three (3) years.

## 2.2 Objectives

The primary objective of this request for proposal is to invite suitably qualified and experienced service providers to submit proposals to the NHC to render internal audit service for a period of three (3) years.

## 2.3 Submission of Proposals

- 2.3.1 The bid should be hand delivered or couriered to the address specified on page 1, and should be clearly marked:

INTERNAL AUDIT SERVICES  
 REFERENCE NUMBER: NHC/01/2017/18  
 NAME OF THE BIDDER  
 CSD NUMBER OF THE BIDDER

- 2.3.2 Completed proposals should be hand delivered / couriered in sealed envelopes and delivered at the address specified above. All envelopes should be sealed and clearly marked.
- 2.3.3 Technical and Financial proposals should be submitted in two separate sealed envelopes.

The submission should be as follows:

Technical	Financial
One (1) original	One (1) original
Four (4) copies	Four (4) copies
One (1) electronic copy on a CD containing both Technical and Financial documents.	
Total submission of copies including original & CD = Eleven (11)	

Bidders are requested to indicate on the cover of each document whether it is the original or copy.

2.3.4 Bidders should adhere to the following:

- 2.3.4.1 The CD containing Bid document costs R300.00;
- 2.3.4.2 All proposals must be costed in South African rand, inclusive of VAT;
- 2.3.4.3 If the bid does not include all the information required or is incomplete therefore non-compliance with this requirement will invalidate the bid;
- 2.3.4.4 Any submission received after the deadline will be rejected; and
- 2.3.4.5 The costing must remain valid and open for evaluation for a period of at least ninety (90) days from the time of submission.

## **2.4 Infrastructure**

It is expected that bidders will be able to provide basic facilities, systems and capital equipment needed for effective and efficient delivery of the service / project without any upfront payment by the NHC.

## **2.5 Costs to be borne by Service Provider**

All costs and expenses incurred by the bidders in any way associated with the development, preparation and submission of responses and providing any additional information required by the NHC, will be borne entirely and exclusively by the service provider.

## **2.6 No Legal Relationship**

No binding legal relationship will exist between any of the bidders and the NHC until the execution of a signed contractual SLA. The Terms of Reference (ToR) document will not form part of any such contract or arrangement.

## **2.7 Evaluation of Offers**

Each bidder acknowledges and accepts that the NHC may, at its absolute discretion, apply selection criteria specified in this document for the evaluation of proposals for short listing/ selecting the eligible bidder(s).

### 3 INSTRUCTION FOR PROPOSALS

#### 3.1 Format of your Proposal

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

##### 3.1.1 Technical Proposal format

Bidders are at liberty to structure their Proposals according to any format, as long as it covers all areas specified in this document. The Technical proposals will be evaluated against the criteria detailed below.

##### 3.1.2 Technical Approach

The bidders should adhere to the ToR by elaborating on the services required, and demonstrating whether the proposed process meets the requirements.

Bidders must, at a minimum, cover the under-mentioned in their technical approach and return as part of their submission:

- Proposed methodology and activity plan that clearly depicts understanding of the ToR and internal audit requirements of the NHC. Bidders should also demonstrate how the proposed methodology is in line with applicable standards, rules, regulations and best practices.
- Names of the people and position(s) to be involved in the direct delivery of the service to be provided; and in the overall management of the work.
- Provide the information in a table format e.g.:

Name	Position	Duties/ activities	Turnaround time to complete task

#### 3.2 Experience

##### 3.2.1 Company Experience

3.2.1.1 Bidders are required to provide proof that they have performed similar services. Letters of reference from at least three contactable referees must also be submitted.

3.2.1.2 Failure to submit at least three letters of reference for similar services will lead to a 0 scoring for references.

### 3.2.2 Individual Experience

3.2.2.1 Bidders are required to submit abridged CVs of key personnel that demonstrate prior experience and qualifications.

## 4. SCOPE OF SERVICE

### 4.1 TERMS OF REFERERNC

1. Bid Name	Internal Audit Services
2. Description and Purpose of the Bid	Appointment of a suitably qualified and experienced service provider to render Internal Audit services for a period of three (3) years
3. NHC Background	<p>The National Heritage Council of South Africa is a public entity that is responsible for the preservation of the country's heritage. The important areas that the NHC focuses on a policy development for the sector to meet its transformation goals, public awareness and education, knowledge production in heritage subjects that were previously neglected, as well as making funding available to projects that place heritage as a socio-economic resource. The National Heritage Council (NHC), a Schedule 3A public entity that came into existence through an amendment of the Cultural Laws Second Amendment Act 69 of 2001, and was officially constituted through the National Heritage Act of 1999.</p>
4. Objectives/ Background to the Bid	<p>Section 51(1) (a) (ii) of the PFMA requires that the Accounting Officer of a Public Entity must ensure that the Public Entity has and maintains a system of Internal Audit under the control and direction of an Audit Committee complying with and operating in accordance with regulations and instructions prescribed in terms of Section 76 &amp; 77 of the Act.</p> <p>To ensure that an effective and efficient Internal Audit (IA) function is maintained, the NHC seeks to appoint a suitably qualified and experienced service provider to provide an Internal Audit service for an uninterrupted period of three (3) years commencing upon the counter signing of the Service Level Agreement (SLA) by the NHC and the preferred bidder.</p>



5. Period	The expected duration of the project is three (3) years which will commence upon the counter signing of a SLA between the NHC and the successful bidder.
6. Scope of work and deliverables	<p>6.1 The successful bidder would be required to perform the following duties:</p> <ul style="list-style-type: none"> <li>• Implementation of a rolling three-year strategic Internal Audit Plan based on its assessment of key areas of risk for the NHC, having regard to its current operations;</li> <li>• Assist in the improvement of operations proposed in the NHC's corporate or strategic plan, annual performance plan and effectiveness of its risk management strategy through risk based audits which are in line with IIA standards;</li> <li>• Implementation of an Annual Internal Audit Plan including the following primary audits: <ul style="list-style-type: none"> <li><input type="checkbox"/> Operational audits;</li> <li><input type="checkbox"/> Financial audits;</li> <li><input type="checkbox"/> Compliance audits;</li> <li><input type="checkbox"/> Performance audits;</li> <li><input type="checkbox"/> Governance audits; and</li> <li><input type="checkbox"/> IT audits.</li> </ul> </li> <li>• Compilation of plans indicating the scope, cost and timelines of each audit in the annual internal audit;</li> <li>• Assist the Chief Executive Officer with preparation of reports to the Audit and Risk Committee detailing performance against the plan, to allow effective monitoring and intervention when necessary;</li> <li>• Attending Audit and Risk Committee meetings when necessary;</li> <li>• Performing ad-hoc audit tasks when necessary, including but not limited to: <ul style="list-style-type: none"> <li>• Quality Assurance Reviews; and</li> <li>• Any other request from the Chief Executive Officer and Audit and Risk Committee.</li> </ul> </li> </ul>

## 6.2. EXPECTED OUTCOMES AND DELIVERABLES

### 6.2.1 Deliverables:

#### a) Performing audit assignments

Each assignment should at least consist of the following:

- Pre-audit survey;
- Audit planning memorandum;
- Minutes of entrance meeting;
- Risk assessment document;
- System descriptions;
- Audit programmes;
- Sampling methodology;
- Mechanisms for follow up on matters previously reported and feedback to the Audit and Risk Committee;
- Mechanism to ensure that working papers are reviewed at the appropriate level;
- Record of work performed;
- Audit findings and recommendations and follow up;
- Reporting (draft & final internal audit reports); and
- Value Added Services, Skills Transfer, Quality Review and Succession Planning.

#### b) Reporting requirements

The structure of the report as a minimum is to be as follows:

- Introduction;
- Audit objective and scope;
- Background;
- Executive summary highlighting significant findings; and
- Findings, recommendations (Including implementation dates) and management responses.

	<p>6.2.2 Outcomes:</p> <ul style="list-style-type: none"> <li>• Improved control environment within the NHC;</li> <li>• Improved risk management; and</li> <li>• Improved governance processes.</li> </ul>

Any enquiries regarding procedures may be directed in writing at [procurement@nhc.org.za](mailto:procurement@nhc.org.za)

## 5. CONTRACT MAINTANANCE REQUIREMENTS

The successful bidder will be expected to perform the following:

### 5.1 Meetings

Attend at least one meeting per quarter with the client at the client's premises for planning and reporting sessions.

The client reserves the right to call further meetings as and when necessary.

### 5.2 Reports

Prepare and submit formal reports accounting for the period in review for the quarterly meetings with the client.

### 5.3 Planning

Formal plans for the quarter and an extended period of three to 12 months must be tabled and presented by the successful bidder at the quarterly meetings with the client

## 6. PERFORMANCE STANDARDS

The following are critical performance standards:

- (i) The NHC require progress reports on a quarterly basis that is generated / solicited directly by the bidder. Failure to achieve this performance requirement (target) for two consecutive quarters will be considered as underperformance which provides the NHC to cancel or review the contract including the services fee.

## 7. CONTRACT PERIOD

3 Years.

## 8. STANDARD REQUIREMENTS OF THE BID

### 8.1 Disclosures

#### 8.1.1 The bidder must disclose:

- (i) If they are or have been the subject of any proceedings or other arrangement relating to bankruptcy/insolvency.

#### 8.1.2 If they have been convicted or, or are the subject of any proceedings, relating to:

- (i) A criminal offence or other offence, involving the activities of a criminal nature in its organization or found by any regulator or professional body to have committed professional misconduct.
- (ii) Corruption, including the offer or receipt of any inducement or any kind in relation to obtaining any contract with any contracting authority.
- (iii) Failure to fulfil any obligation in any jurisdiction relating to the payment of taxes and other legal obligations.
- (iv) If a bidder or related Disclosure extends to any company in the same group of the bidder, including but not limited to parent, subsidiary and sister companies, companies with common shareholders (whether direct or indirect) and parties with whom the Bidder is associated in respect of this tender.
- (v) Disclosure extends to any company in the same group of the bidder, including but not limited to parent, subsidiary and sister companies, companies with common shareholders (whether direct or indirect) and parties with whom the Bidder is associated in respect of this tender.

### 8.2 Disclaimer

#### 8.2.1 The NHC reserves the right not to appoint a service provider. The NHC also reserves the right to:

- (i) Award the contract or any part thereof to one or more service providers;
- (ii) Reject all bids;
- (iii) Decline to consider any bids that do not confirm to any aspect of the bidding requirements;
- (iv) Request further information from any Bidder, after the closing date for clarity purposes;
- (v) Cancel this tender or any part thereof at any time; and
- (vi) Should any of the above occur, it will be communicated in writing to the Bidders.

### 8.3 Confidentiality

- 8.3.1 Bids submitted will not be revealed to any other Bidders and will be treated as contractually binding;
- 8.3.2 All information pertaining to the NHC obtained by the Bidder as a result of participation in this Request for Bid (RFB) is confidential and must not be disclosed without written authorization from the NHC; and
- 8.3.3 The successful Bidder will be expected to sign a SLA with the NHC.

### 8.4 Disqualification

- 8.4.1 Any form of canvassing/lobbying/influencing regarding the short listing will result in disqualification;
- 8.4.2 Any non-disclosure of any information pertaining to this bid will result in disqualification;
- 8.4.3 Non-compliance with the bid requirements will invalidate the bid; and
- 8.4.4 Non-compliance with all the applicable Acts, Regulations and by-laws will result in the disqualification of the bid.

## 9 EVALUATION CRITERIA

9.1 The bid will be evaluated in three (3) phases:

### Phase 1 – Evaluation on Compliance (Minimum qualification requirements)

This entails screening of all bid responses received at the close of the bid. During this phase, bid responses are registered to ascertain the number of bid responses received before the closing date and time, and to verify if the Bidders have submitted all mandatory requirements. The following mandatory documents should be submitted to qualify for the next phase of evaluation:

- 9.1.1 Standard Bid Document 1 – Invitation to Bid: Annexure 1;
- 9.1.2 Registration on National Treasury Central Supplier Database (Supplier No)
- 9.1.3 Certified Copy of BBBEE Status level certificate/Sworn Affidavit;
- 9.1.4 Joint Venture Certificates or Agreement signed (*if applicable*);
- 9.1.5 SBD4 - Declaration of Interest – Annexure 2;
- 9.1.6 SBD 6.1- PPFA Regulations claim form;
- 9.1.7 SBD8 - Declaration of Service providers past supply chain management Practices – Annexure 3; and
- 9.1.8 SBD9 - Certificate of Independent Bid Determination – (Annexure 4)

## TERMS OF REFERENCE

Bidders to be registered on the National Treasury Central Supplier Database (Compulsory).

9.2 **Phase 2 – Technical Requirements (Functional Specifications, skills and experience, references and resources)**

9.2.1 This evaluation will be based on the responses provided in the Bidders bid documents, using the functional requirements in the TERMS OF REFERENCE section. The threshold values set for qualification of a bid is 80/100 for weight and all bidders who score below this score will be eliminated.

**TABLE 9.2.2**

**FUNCTIONALITY**

Technical Criteria	Maximum Points per Criterion
<p><b>Technical Approach</b></p> <ul style="list-style-type: none"> <li>• Proposed methodology and activity plan that clearly depicts understanding of the ToRs and internal audit requirements of the NHC (30 Points)</li> <li>• Use of audit software to perform audit engagements (5 points)</li> </ul>	35
<p><b>Capacity to Provide Ad-hoc Services</b></p> <p>The service provider has the competence and capacity to provide ad hoc services that may be required by the NHC.</p>	15

<p><b>Experience, skills and ability of service provider</b></p> <p>Years of Internal Audit Experience</p> <ul style="list-style-type: none"> <li>▪ 5 Years or more (15 points)</li> <li>▪ 3-5 Years (10 points)</li> <li>▪ 1-2 Years (5 Points)</li> <li>▪ 0 Years (0 Points)</li> </ul> <p>Regulatory and grant management industry experience</p> <ul style="list-style-type: none"> <li>▪ Regulatory industry experience (5 Points),</li> <li>▪ Grant management experience (3 Points)</li> <li>▪ Understanding and application of the National Heritage Act No 11 of 1999 (2 Points)</li> </ul> <p>Financial Management Support</p> <ul style="list-style-type: none"> <li>▪ Ability to assist NHC with technical adhoc assignments (5 points)</li> <li>▪ Unable to assist NHC with technical adhoc assignments (0 points)</li> </ul>	<p>25</p>
<p><b>Experience, skills and ability of resources</b></p> <p><input type="checkbox"/> Number of Staff</p> <ul style="list-style-type: none"> <li>▪ 4 Senior members with more than 5 years' experience (10 points)</li> <li>▪ 3 Senior members with more than 5 years' experience (6 points)</li> <li>▪ 2 Senior members with more than 5 years' Experience (3 points)</li> <li>▪ 1 Senior member with more than 5 years' experience (2 points)</li> <li>▪ 0 Years (0 Points)</li> </ul> <p><input type="checkbox"/> Specific experience in the Public and Heritage Sector</p> <ul style="list-style-type: none"> <li>▪ 4 Senior members (5 points)</li> <li>▪ 3 Senior members (4 points)</li> <li>▪ 2 Senior members (3 points)</li> <li>▪ 1 Senior member (2 points)</li> <li>▪ 0 Years (0 Points)</li> </ul>	<p>15</p>

<p><b>Contactable references</b></p> <p>*Note: References should be presented in a form of a written letter and on official letterhead from clients where similar services have been provided.</p> <p><input type="checkbox"/> Three or more (10 points)</p>	10
<p><input type="checkbox"/> Less than three (5 points)</p> <p>Failure to submit written reference letters on official letterhead will result in 0 scoring.</p>	
<p><b>Total</b></p>	<b>100</b>

## 10. PRICES

- 10.1. All services pricing should be inclusive of all taxes and payment shall be made in South African Rand;
- 10.2. Service Provider to provide rates per person, per hour on human resources that will be providing services to NHC;
- 10.3. The NHC may require a breakdown of rates on any of the items priced and the Bidders are to provide same without any additional costs and also provide a “Pricing Guide” or “Transaction Fee Schedule”; and
- 10.4. The total amount should be carried out on the Standard Bidding Form SBD1 – Annexure 1.

### 10.5. PRICE ADJUSTMENTS

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

10.5.1. Annual price adjustment; and

10.5.2 Application for price adjustments must be accompanied by documentary evidence in support of any adjustment on an annual basis.

## 11. PAYMENT TERMS

- 11.1. The NHC undertakes to pay valid tax invoices in full within thirty (30) days from statement date for services rendered; and
- 11.2. All supporting documents for services rendered should be submitted together with the tax invoice as and when a service has been rendered.



## **12. VALIDITY**

- 12.1. A Proposal shall remain valid for ninety (90) days after the closing date of the submission for proposals. A Proposal which is valid for a shorter period may be rejected by the NHC for non-responsiveness.
- 12.2. In exceptional circumstances, the NHC may solicit the Bidder's consent to an extension of the period of the validity of the bid. The request and responses thereto shall be made in writing. A Bidder that has been granted the request will neither be required nor permitted to modify the Proposal.

## **13. SIGNATORIES**

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

## **14. SPECIAL TERMS AND CONDITIONS**

- 14.1. The NHC reserves the right to accept or reject any submission in full or in part, and to suspend this process and reject all proposals or part thereof, at any time prior to the awarding of the contract, without thereby incurring any liability to the affected bidders.
- 14.2. This bid and the contract will be subject to the General Conditions of Contract issued in accordance with Treasury Regulation 16A published in terms of the PFMA. The special terms and conditions of contract are supplementary to that of the general conditions of the contract.
- 14.3. Where, however, the special conditions of contract are in conflict with the general conditions of contract, the general conditions of contract will prevail.
- 14.4. The NHC is the sole adjudicator of the suitability of the Backup / Business Continuity facility for the purpose for which it is required. Therefore, the NHC's decision in this regard will be final.
- 14.5. No bids sent by the facsimile or email will be accepted.
- 14.6. Bids must only be submitted at the NHC Office in Pretoria by the specified date and time.
- 14.7. Bidders are welcome to be present at the opening of bids.
- 14.8. The annexures are part of the bid documentation and must be signed by the bidder and attach to the bid document.
- 14.9. The bid forms must not be retyped or redrafted but copies may be used.
- 14.10. Additional offers may be made but only photocopies of the original supporting documents are required. Additional offers/submissions are regarded as separate and must be treated as such by the bidder. The inclusion of various offers as part of a single submission in one envelope is not allowed and will not be considered. Additional bid offers must be submitted separately in separate sealed envelopes.

## **TERMS OF REFERENCE**

- 14.11. The original valid Tax Clearance Certificate should be submitted together with the completed bid.
- 14.12. Failure to comply with the above-mentioned conditions will invalidate the bid.
- 14.13. Certified copies of the company registration documents or proof of ownership of the company or agency i.e. Shareholders Certificates must be submitted.
- 14.14. Original Sworn Affidavit, Certified copy of B-BBEE certificate issued by a Verification Agency accredited by SANAS must be submitted.
- 14.15. Subcontracting of all or any part of this contract will not be permitted.

## 15. SUBMISSION OF BID DOCUMENTS

Responses to this bid must be submitted to the NHC by no later than:

**Date:** 13 September 2017

**Time:** 11H00

**Address:** NHC Offices, 57 Kasteel Road, Domus Building, Room 201, Lynnwood Glen, Pretoria.

## 16. LATE SUBMISSION

- 16.1. A response to this RFB shall be late if it is received by the NHC at any time after the closing date and time indicated in Paragraph above.
- 16.2. A late submission shall be clearly marked as late and shall not be admitted for consideration by the NHC.

## 17. CLARIFICATIONS / ENQUIRIES

Telephonic request for clarification will not be considered. Any clarification required by a bidder regarding the meaning or interpretation of the Terms of Reference or any other aspects concerning the bid is to be requested in writing (letter or e-mail) from the below contact persons. The bid reference number should be mentioned in all correspondence.

17.1 **Bid Enquiries:** Mr Sipehelele Skenjana

**Email:** procurement@nhc.org.za

17.2. Enquiries received will be responded to within three (3) working days.

## 18. ANNEXURES

- 18.1. Annexure 1: SBD 1 – Invitation to Bid;
- 18.2. Annexure 2: SBD 2 – Tax Clearance Certificate Requirements
- 18.2. Annexure 3: SBD 4 – Declaration of Interest;
- 18.3. Annexure 4: SBD 8 – Declaration of Service Provider’s past supply chain management practices;
- 18.4. Annexure 5: SBD 9 – Certificate of Independent Bid Determination;
- 18.5. Annexure 6: SBD 6.1 – Preference Point Claim form in terms of Preferential Procurement Regulations 2011; and
- 18.6. Annexure 7: SBD 3.3 Pricing Schedule-Professional Services.

**INVITATION TO BID (Annexure 1) SBD1**

**PART A  
INVITATION TO BID**

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NATIONAL HERITAGE COUNCIL)**

BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					

**THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)


**SUPPLIER INFORMATION**

NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
FACSIMILE NUMBER	CODE		NUMBER	
E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				

	TCS PIN:		<b>OR</b>	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes	
	<input type="checkbox"/> No			<input type="checkbox"/> No	

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)
	<input type="checkbox"/>	A REGISTERED AUDITOR
		NAME:

**[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-**

**TERMS OF REFERENCE**

<b>BBEE]</b>			
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES ANSWER PART B:3 BELOW ]
SIGNATURE OF BIDDER	.....	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

**PART B  
TERMS AND CONDITIONS FOR BIDDING**

**1. BID SUBMISSION:**

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED—(NOT TO BE RE-TYPED) OR ONLINE
- 1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: ( BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
- 1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
- 1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

**2. TAX COMPLIANCE REQUIREMENTS**

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

**3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

- 3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  
 YES  NO
- 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?   
 YES  NO
- 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?

YES  NO

3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?

YES  NO

**IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.**

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

## SBD 2

### TAX CLEARANCE CERTIFICATE REQUIREMENTS (Annexure 2)

**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 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).

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)



**SBD 3.3**

**PRICING SCHEDULE**  
**(Professional Services)**

**Annexure 7**

NAME OF BIDDER: .....	BID NO:
NHC/01/2017/18	
CLOSING TIME 11:00 13 September 2017	CLOSING DATE:

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

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY ** (ALL APPLICABLE TAXES INCLUDED)
---------	-------------	---

1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.

R.....

**3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE  
(CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)**

**TERMS OF REFERENCE**

4. PERSON AND POSITION    HOURLY RATE    DAILY RATE

----- R-----  
 ----- R-----  
 ----- R-----  
 ----- R-----

----- R-----  
 5. PHASES ACCORDING TO WHICH THE PROJECT  
 WILL BE COMPLETED, COST PER PHASE AND MAN-  
 DAYS TO BE SPENT

----- R-----  
 ----- days  
 ----- R-----  
 ----- days  
 ----- R-----  
 ----- days  
 ----- R-----  
 ----- days

5.1 Travel expenses (specify, for example rate/km and total km, class of air travel, etc.). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
-----	.....	.....	.....
-----	R.....	.....	.....
-----	R.....	.....	.....
-----	R.....	.....	.....
-----	R.....	.....	.....

Bid No.: ..... Name of Bidder: .....

TOTAL: R.....

**TERMS OF REFERENCE**

\*\* "all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance

Contributions and skills development levies.

5.2 Other expenses, for example accommodation (specify, e.g. Three-star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
_____	_____	_____	R_____
_____	_____	_____	R_____
_____	_____	_____	R_____
_____	_____	_____	R_____

TOTAL: R.....

6. Period required for commencement with project after acceptance of bid

.....

7. Estimated man-days for completion of project

.....

8. Are the rates quoted firm for the full period of contract? \*YES/NO

If not firm for the full period, provide details of the basis on

9. Which adjustments will be applied for, for example consumer price index.

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

**\*[DELETE IF NOT APPLICABLE]**

**SBD 4**

**DECLARATION OF INTEREST**

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

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

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

2.1 Full Name of bidder or his or her representative:

.....

2.2 Identity Number:

.....

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

.....  
.....

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

.....

2.5 Tax Reference Number:

.....

---

**TERMS OF REFERENCE**

2.6 VAT Registration Number:

.....

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

<sup>1</sup>“State” means –

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

” 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 **YES / NO**  
presently employed by the state?

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

.....

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

.....

Position occupied in the state institution:

.....

Any other particulars:

.....

.....

.....

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

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

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

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

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

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

2.8.1 If so, furnish particulars:

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

2.9 Do you, or any person connected with the bidder, have 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:

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



**SBD 6.1**

**(Annexure 6)**

**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.**

**2. GENERAL CONDITIONS**

2.1 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).

2.2

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

2.3 Points for this bid shall be awarded for:

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

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

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

2.5 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.



2.6 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.

### 3. 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;

**4. POINTS AWARDED FOR PRICE**

**4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

**80/20 or 90/10**

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{Or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

- Ps = Points scored for price of bid under consideration
- Pt = Price of bid under consideration
- Pmin = Price of lowest acceptable bid

**5. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR**

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

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

**6. BID DECLARATION**

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

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

7.1 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.)

**8. SUB-CONTRACTING**

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

*(Tick applicable box)*

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

8.1.1 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"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

**9. DECLARATION WITH REGARD TO COMPANY/FIRM**

9.1 Name of company/firm:.....

9.2 VAT registration number:.....

9.3 Company registration number:.....

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

**TERMS OF REFERENCE**

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

9.6 COMPANY CLASSIFICATION

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

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

9.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - a. disqualify the person from the bidding process;
  - b. recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
  - c. cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

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

WITNESSES

1. ....

2. ....

.....

SIGNATURE(S) OF BIDDERS(S)

DATE: .....

ADDRESS .....

.....

.....

## **B-BBEE STATUS LEVEL VERIFICATION CERTIFICATES (TO BE ATTACHED HERE)**

Tenderers not submitting B-BBEE Status Level Verification Certificates or are non-compliant contributors to B-BBEE do not qualify for preference points for BBEE but will not be disqualified from the tendering process.

### **SBD 8 (Annexure 4)**

#### **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.**

<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?  <b>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</b></p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes	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)? <b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>	Yes	No
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	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:		

### 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**

## Annexure 5

### SBD 9

#### CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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



**SBD 9**

## **CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:  
(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and

### **TERMS OF REFERENCE**

- (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder.
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
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.

<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.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

## THE NATIONAL TREASURY

Republic of South Africa



**NATIONAL TREASURY GENERAL CONDITIONS OF CONTRACT (NT GCC)**

**(ANNEXURE A)**