



<b>NAME OF BID</b>	<b>PANEL FOR PROVISION OF EXECUTIVE COACHING SERVICES AND LEADERSHIP ASSESSMENTS</b>
<b>BID NO.</b>	<b>FSCA 2019/20-T013</b>
<b>CLOSING DATE</b>	<b>8 October 2019</b>
<b>CLOSING TIME</b>	<b>11h00 (South African Standard Time, obtained from Telkom SA SOC Limited by dialling 1026)</b>
<b>CONTRACT NO.</b>	<b>FSCA1819-SLA24</b>

<b>BIDDER NAME</b>		
<b>ID/REGISTRATION NUMBER</b>		
<b>CSD NUMBER</b>		
<b>PROOF OF B-BBEE LEVEL</b>	<b>LEVEL</b>	
	<b>EXPIRY DATE</b>	
<b>CONTACT PERSON</b>		
<b>EMAIL ADDRESS</b>		
<b>TELEPHONE NUMBER</b>		

Riverwalk Office Park, Block B; 41 Matroosberg Road  
(Corner Garsfontein and Matroosberg Roads)  
Ashlea Gardens, Extension 6  
Menlo Park; Pretoria; South Africa; 0081  
P.O. Box 35655; Menlo Park; 0102  
Switchboard: +27 12 428 8000  
Website: [www.fsca.co.za](http://www.fsca.co.za)




**Transitional Management Committee:**

AM Sithole (Commissioner) DP Tshidi CD da Silva JA Boyd MM du Toit LP Kekana K Gibson OB Makhubela P Mogase

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## A. INTRODUCTION TO TENDER

### 1. Introduction

- 1.1 The Financial Sector Conduct Authority (FSCA) was established in terms of the Financial Sector Regulation Act No. 9 of 2017. It is responsible for market conduct regulation and supervision of the financial services industry. The objectives of the FSCA are to enhance and support the efficiency and integrity of financial markets, to protect financial customers by promoting their fair treatment by financial institutions, as well as providing financial customers with financial education. The FSCA is a Schedule 3A Public Entity and is subject to the Public Finance Management Act (PFMA).
- 1.2 The vision of the FSCA is to ensure an efficient financial sector where customers are informed and treated fairly and its mission is to ensure a fair and stable financial market, where consumers are informed and protected, and where those that jeopardize the financial well-being of consumers are held accountable. Visit the FSCA website, [www.fsc.co.za](http://www.fsc.co.za) for further information about the FSCA.
- 1.3 The FSCA operates from offices in Pretoria at Riverwalk Office Park; 41 Matroosberg Road; Ashlea Gardens Extension 6; Menlo Park; Pretoria.
- 1.4 Tenders are hereby invited for appointment to the panel of service providers to provide leadership assessments and one-on-one executive coaching services to the leadership of the FSCA for a period of five years, as and when required.
- 1.5 This tender is subject to the Preferential Procurement Policy Framework Act No. 5 of 2000 and the Preferential Procurement Regulations, 2017, the General Conditions of Contract (GCC) and, if applicable, any other special conditions of contract. Where, however, the special conditions of contract conflict with the general conditions of contract, the special conditions of contract prevail.


### 2. Briefing session

- 2.1 There is no briefing session for this bid.

### 3. Tender enquiries and questions

- 3.1 Enquiries relating to minor administrative issues with reference to the tender may be directed to:

Georgina Serumula  
 Supply Chain Management Unit  
 Tel no.: (012) 422 2855  
 E-mail: [tenders@fsc.co.za](mailto:tenders@fsc.co.za)

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- 3.2 All questions relating to the contents of the tender (conditions, rules, terms of reference etc.) must be forwarded in writing via email to [tenders@fsc.co.za](mailto:tenders@fsc.co.za) by not later than 17 September 2019. Questions received after this date will not be entertained.
- 3.3 All questions must reference specific paragraph numbers, where applicable.
- 3.4 All enquiries (received on or before the closing date for enquiries) will be consolidated and the FSCA will publish one response document on the FSCA website ([www.fsc.co.za](http://www.fsc.co.za)) within five (5) working days after the date in indicated in paragraph 3.2.
- 3.5 No requests for information shall be made to any other person or place and in particular not to the existing provider of this service.

#### 4. Tender submission


- 4.1 Bid documents may either be posted (preferably by registered mail) or placed in the tender box or couriered to the physical address. Bids submitted by means of e-mail, telegram, telex facsimile, electronic or similar means shall not be considered.
- 4.2 Complete documents with supporting annexures shall be packaged, sealed, clearly marked and submitted strictly as follows:

<b>Bid No</b>	FSCA2019/20-T013
<b>Bid Name</b>	Panel for provision of executive coaching services and leadership assessments.

- 4.3 The FSCA requires two (2) printed copies, one (1) original and one (1) copy and one electronic copy (in electronic storage media, preferably a CD or flash drive/memory stick) in PDF format all bound in a sealed envelope marked as stated in paragraph 4.2.
- 4.4 Bids must be properly packaged and deposited on or before the closing date and before the closing time in the tender box situated at the reception area of the FSCA. The physical address of the FSCA is as follows:

Financial Sector Conduct Authority  
 Riverwalk Office Park, Block B  
 41 Matroosberg Road (Corner Garsfontein and Matroosberg Roads)  
 Ashlea Gardens, Extension 6  
 Menlo Park  
 Pretoria, 0081

GPS Coordinates	
Latitude	-25.7843344
Longitude	28.268365

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4.5 Bid documents may also be posted (preferably by registered mail) to:

PO Box 35655  
 Menlo Park  
 Pretoria  
 0102

4.6 Bid documents will only be considered if received by the FSCA on or before the closing date and time, regardless of the method used to send or deliver such documents to the FSCA.


4.7 **Late submissions will not be accepted.**

4.8 Bidders must initial each page of the tender document on the bottom right hand corner.

## 5. Pricing schedule

5.1 Bidder must provide an hourly rate of the consultant/coach that will be doing the job. The bidder's price must include all expenses, including travel and accommodation.

5.2 The pricing schedule must be submitted adjacent to the SBD3.3 form in the tender proposal.

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**B. DEFINITIONS**

**6. Definitions**

- 6.1 Unless inconsistent with or expressly indicated otherwise by the context.
  - 6.1.1 **FSCA** shall mean the Financial Sector Conduct Authority or any successor in title.
  - 6.1.2 **Contractor** shall mean the tenderer whose tender has been accepted by the FSCA and shall include the tenderer’s personal representatives, also referred to as the successful bidder.
  - 6.1.3 **Contract** shall include the General Conditions of Contract and Special Conditions of Contract, the specifications including any schedules attached to the specifications, and any agreement entered into in terms of these Special Conditions of Contract.
  - 6.1.4 **Service** shall mean provision of leadership assessments and executive coaching services to the FSCA for a period of five years as and when required.
  - 6.1.5 **Person** includes any company incorporated or registered as such under any law, any body of persons corporate or unincorporated, any trust. Person, firm or company shall include an authorised employee or agent of such person.
- 6.2 Except where the context indicate otherwise, in this document the singular includes the plural, and with reference to gender, the one includes the other.

## C. TENDER RULES

### 7. Capabilities and experience of tenderers

7.1 Tenderers are required to provide all information as necessary to demonstrate their capabilities and experience with regard to the requested services.

### 8. Form of tender

8.1 The tender shall be signed and witnessed on the form of tender incorporated herein. The schedule of services shall be fully priced in South African Rand to show the total amount of the tender, and shall be signed. The certificates, schedules and forms contained in this document shall be completed and signed by the tenderer in blue or black ink.

8.2 Where the space provided in the bound document is insufficient, separate schedules may be drawn up in accordance with the prescribed formats. These schedules shall be bound with a suitable contents page and submitted with the tender documents.

### 9. Signing of tender

9.1 The tender must be signed by a person who is duly authorised to do so.

### 10. Tender all inclusive

10.1 The tenderer must provide an all-inclusive fee statement in the tender.

### 11. Alterations to tender documents


11.1 No unauthorised alteration or addition shall be made to the form of tender, to the schedule of quantities of services to be rendered or to any other part of the tender documents. If any such alteration or addition is made or if the schedule of quantities of services to be rendered, or other schedules or certificates are not properly completed, such submission may be disqualified.

### 12. Qualifications on tender

12.1 Tenders submitted in accordance with this tender document shall be without any qualifications.

### 13. FSCA'S rights

13.1 The FSCA is entitled to amend any bid conditions, bid validity period, tender specifications, or extend the bid's closing date, all before the bid closing date. All bidders, to whom the tender documents have been issued and where the FSCA have record of such bidders, may be advised in writing of such amendments in good time and any such changes will also be posted on the

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FSCA's website under the relevant tender information. All prospective bidders should, therefore, ensure that they visit the website regularly and before they submit their bid response to ensure that they are kept updated on any amendments in this regard.

- 13.2 The FSCA reserves the right not to accept the lowest priced bid or any bid in part or in whole.
- 13.3 The FSCA reserves the right to award this bid as a whole or in part.
- 13.4 The FSCA reserves the right to conduct site visits at bidder's corporate offices and/or at client sites if so required.
- 13.5 The FSCA reserves the right to consider the guidelines and prescribed hourly remuneration rates for consultants as provided in the National Treasury Instruction Note 02 of 2016/2017: Cost Containment Measures, where relevant.
- 13.6 The FSCA reserves the right to request all relevant information, agreements and other documents to verify information supplied in the bid response. The bidder hereby gives consent to the FSCA to conduct background checks on the bidding entity and any of its directors/trustees/shareholders/members.

#### 14. Undertaking by bidder

- 14.1 By submitting a bid in response to this tender, the bidder will be taken to have offered to render all or any of the services described in the bid response submitted by it to the FSCA on the terms and conditions and in accordance with the specifications stipulated in this tender document.
- 14.2 The bidder shall prepare for a possible presentation should the FSCA require such and the bidder shall be notified thereof in good time before the actual presentation date. Such presentation may include a practical demonstration of products or services as called for in this tender.
- 14.3 The bidder agrees that the offer contained in its bid shall remain binding upon him and receptive for acceptance by the FSCA during the bid validity period indicated in this document and calculated from the bid closing date. Its acceptance shall be subject to the terms and conditions contained in this tender document read with the bid.
- 14.4 The bidder furthermore confirms that they have satisfied themselves as to the correctness and validity of their bid response; that the price(s) and rate(s) quoted cover all the work/item(s) specified in the bid response documents; and that the price(s) and rate(s) cover all their obligations under a resulting contract for the services contemplated in this tender; and that they accepts that any mistakes regarding price(s) and calculations will be at their risk.

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14.5 The successful bidder accepts full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on them under the supply agreement and Service Level Agreement (SLA) to be concluded with the FSCA, as the principal(s) liable for the due fulfilment of such contract.

14.6 The bidder accepts that all costs incurred in the preparation, presentation and demonstration of the solution offered by it shall be for the account of the bidder. All supporting documentation and manuals submitted with this bid will become FSCA property unless otherwise stated by the bidder/s at the time of submission.

## 15. Central supplier database

15.1 The FSCA will not award any bid to a supplier who is not registered as a prospective supplier on the Central Supplier Database (CSD) as required in terms of National Treasury Circular No. 3 of 2015/2016 and National Treasury SCM Instruction Note 4 of 2016/2017.

## 16. Supplier performance management

16.1 Supplier Performance Management is viewed by the FSCA as a critical component in ensuring value for money acquisition and good supplier relations between the FSCA and all its suppliers.

16.2 The successful bidder shall upon receipt of written notification of an award, be required to conclude an SLA with the FSCA (where applicable), which will form an integral part of the supply agreement. The SLA will serve as a tool to measure, monitor and assess the supplier's performance and ensure effective delivery of service, quality and value-add to the FSCA's business.

16.3 The successful bidder will be required to comply with the above conditions, and also provide a scorecard on how their product/service offering is being measured to achieve the objectives of this condition.


## 17. Cancellation of contract

17.1 If the FSCA is satisfied that any person (including an employee, partner, director or shareholder of the tenderer or a person acting on behalf of or with the knowledge of the tenderer), firm or company:

17.1.1 is executing a contract with the FSCA unsatisfactorily,

17.1.2 has in any manner been involved in a corrupt act or provided gift or remuneration in relation to any officer or employee of the FSCA in connection with obtaining or executing a contract,

17.1.3 has acted in bad faith, in a fraudulent manner or committed an offence in obtaining or executing a contract,

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- 17.1.4 has in any manner influenced or attempted to influence the awarding of an FSCA's bid,
- 17.1.5 has when advised that his tender has been accepted, given notice of his inability to execute or sign the contract or to furnish any security required,
- 17.1.6 has engaged in any anti-competitive behaviour, including having entered into any agreement or arrangement, whether legally binding or not, with any other person, firm or company to refrain from tendering for this contract, or relating to the tender price to be submitted by either party,
- 17.1.7 has disclosed to any other person, any information relating to this bid, except where disclosure, in confidence, was necessary to obtain quotations required for the preparation of the tender, the FSCA may, in addition to any other legal recourse, which it may have, cancel the contract between the FSCA and such a person and/or resolve that no tender from such a person will be favourably considered for a specified period,

the FSCA is satisfied that any person is or was a shareholder or a director of a firm or company which in terms of paragraph 17.1, is one from which no tender will be favourably considered for a specified period, the FSCA may also decide that no tender from such a person, firm or company shall be favourably considered for a specified period.


- 17.2 Any restriction imposed upon any person shall apply to any other person with which such a person is actively associated.

## 18. Applicable laws

- 18.1 The laws of the Republic of South Africa shall be applicable to each contract created by the acceptance of a tender and each tenderer shall indicate an address in the Republic and specify it in the tender as his domicilium citandi et executandi where any legal process may be served on him.
- 18.2 Each tenderer shall accept the jurisdiction of the courts of the Republic of South Africa.

## 19. Reasons for disqualification of tender

- 19.1 The FSCA reserves the right to disqualify any bidder who does any one or more of the following, and such disqualification may take place without prior notice to the offending bidder. However, the bidder will be notified in writing of such disqualification:

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- 19.1.1 bidders who submit incomplete information and documentation as specified in the requirements of this tender document;
- 19.1.2 bidders who submit information that is fraudulent, factually untrue or inaccurate;
- 19.1.3 bidders who receive information not available to other potential bidders through any means;
- 19.1.4 bidders who do not comply with mandatory requirements, if stipulated in the tender document;
- 19.1.5 bidders who fail to attend a compulsory briefing session, if stipulated in the tender advert and/ or in this tender document; and/or
- 19.1.6 bidders who fail to comply with FICA (Financial Intelligence Centre Act) requirements (where applicable).

## 20. Delegation of authority


- 20.1 The FSCA may delegate any power vested in it by virtue of these rules to an officer or employee of the FSCA.

## 21. Tender rules are binding

- 21.1 The tender rules as well as the instructions given in the official tender notice shall be binding on all tenderers submitting tender applications for the service or services set out in the tender document.

## 22. Language of contract

- 22.1 The tender documents are drafted in English and any contract, which originates from the acceptance of the tender, will be interpreted and construed in English.

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## D. TERMS OF REFERENCE

### 23. Objectives

23.1 The broad objectives of this bid include:

- 23.1.1 To provide prospective service providers with adequate information to understand and respond to the FSCA's requirements to appoint a panel of executive coaches to provide one-on-one executive coaching to FSCA leaders over a period of five years, as and when required. This service must include the leadership assessments as well.
- 23.1.2 To ensure uniformity in the responses received from each prospective service provider.
- 23.1.3 To provide a structured framework for the evaluation of proposals.

### 24. Background

24.1 The FSCA was established in 2018, and its top structure comprises of the Commissioner, Deputy Commissioners, Divisional Executives and Heads of Departments. One-on-one executive coaching has been identified to facilitate learning and growth at a leadership level in order to achieve business results.

### 25. Purpose of the request for bid

25.1 The purpose of this bid is to establish a panel of executive coaches to provide leadership assessments and one-on-one executive coaching services to the leadership of the FSCA for a period of five years on a need's basis.


### 26. Scope of work

26.1 The panelists of executive coaches will be expected to:

- 26.1.1 Understand the scope and extent of the leadership challenges and opportunities at the FSCA (conduct a SWOT analysis and produce a report).
- 26.1.2 Understand the strategy and the values of the FSCA to inform the selection of leadership assessment batteries to be administered.
- 26.1.3 Weave the above elements (organisational values) into the proposed executive coaching programme.

26.2 The extent of work for executive coaching must include amongst others the following:

- 26.2.1 Conduct leadership assessments, for example, using a multi-rater assessment to assess the leader's effectiveness and impact on the FSCA's culture, engagement and performance;

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- 26.2.2 Assist the leader to develop a personalised development plan; and
- 26.2.3 Develop the executive coaching plan with at least six to ten coaching sessions.
- 26.3 The coaching engagements must amongst others lead to the following outcomes:
- 26.3.1 Increased personal awareness of own strengths, weaknesses and ability to leverage on the strengths;
- 26.3.2 Significant personal growth and ability to motivate employees to perform optimally;
- 26.3.3 Equipping leaders with tools and techniques to create a positive and enabling organisational climate;
- 26.3.4 Provide techniques to master the art of listening, influencing and networking;
- 26.3.5 Provide leaders with a confidential individual close out report; and
- 26.3.6 Provide high level report to the organisation when required on the overall impact of the coaching engagements.

## 27. General

- 27.1 The executive coaching services will be provided to 50 leaders including managers identified from the succession management process.
- 27.2 The number of leaders to participate in the executive coaching programme per annum will be determined by the FSCA and agreed upon with the identified panelists.
- 27.3 It will be the discretion of the coachee to choose a coach from the established panel of executive coaches.
- 27.4 The FSCA shall endeavor where possible to rotate executive coaches based on the identified need.

## 28. Note on costing

- 28.1 Bidder must provide an hourly rate of the consultant that will be doing the job. The bidder's price must include all expenses, including travel and accommodation where applicable.

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## 29. Bid evaluation


29.1 The proposals will be evaluated as follows.

### 29.1.1 Evaluation Stage One: Compliance

Compliance with administrative requirements stated in the Standard Bidding Documents and the mandatory requirements as listed in paragraph 31 below. In this evaluation stage, all bidders that fail to provide the required information and documentation, will be disqualified from further evaluation.

### 29.1.2 Evaluation Stage Two: Functional evaluation (Desktop evaluation)

In this evaluation stage, bidders are expected to obtain a minimum of 80 out of 100 points to be appointed to the FSCA panel of executive coaching services and leadership assessments.

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**30. Functional evaluation (Desktop)**

30.1 The bid/proposal will be evaluated for functionality and be rated as follows:

30.1.1 Values: 0=Poor 1=Below average, 2=Average, 3=Good, 4=Very Good, 5=Excellent

**Table 1**

ITEM	DESCRIPTION	SUBMISSION (INFORMATION/ DOCUMENTATION TO BE PROVIDED)	DETAILED DESCRIPTION	RATING	SUB-WEIGHT	WEIGHT
1.	Profile of the proposed executive coach	1.1. Provide profile/ bio of the executive coach with clear relevance to the terms of reference of this bid. The profile must contain as a minimum the following: prior coaching experience, list of persons previously coached.	1.1.1. No evidence provided in order to demonstrate a comprehensive understanding of the requirements for this tender.	0	20	45
			1.1.2. Profile provided but reflects limited alignment with the scope of work as required in the bid specifications.	1-3		
			1.1.3. Profile reflects alignment with the scope of work as outlined in the bid document.	4-5		
		1.2. Provide proof of registration/ accreditation of the proposed coach with professional body or accreditation body.	1.2.1. No registration/accreditation proof supplied.	0	25	
			1.2.2. A.2.2. Proof of registration/ accreditation with the accreditation or professional body supplied (e.g. HPCSA/International Coaching Federation (ICF)	5		



**PANEL FOR PROVISION OF EXECUTIVE COACHING SERVICES AND LEADERSHIP ASSESSMENTS**

ITEM	DESCRIPTION	SUBMISSION (INFORMATION/ DOCUMENTATION TO BE PROVIDED)	DETAILED DESCRIPTION	RATING	SUB-WEIGHT	WEIGHT
			Coaches and Mentoring in South Africa/ (COMENSA)/ Professional Coaching and Mentoring Association (PCMA) etc.			
2.	Track Record	2.1. Provide three examples of previous projects completed with similar scope as required by the terms of reference of this bid.	2.1.1. Not more than one project provided.	0-1	20	30
			2.1.2. Two examples of previous projects provided, and both are in- line with the requirements for this tender.	2-3		
			2.1.3. Three or more examples of previous projects provided, and all are in-line with the requirements for this tender.	4-5		
		2.2. Provide three verifiable and relevant reference letters with contact details for projects completed which are similar in scope as required by the terms of reference you have undertaken within the last five years.	2.2.1. No reference letters provided in relation to the requirements of this tender.	0	10	
			2.2.2. One or two reference letters are provided, and all references are in alignment with this tender.	1-3		
			2.2.3. Three or more reference letters are provided, and all references are in alignment with this tender.	4-5		
3.	Scope of work	3.1. Proposed coaching methodology which clearly demonstrates a	3.1.1. Insufficient evidence provided in order to demonstrate a	0-1	15	25

**PANEL FOR PROVISION OF EXECUTIVE COACHING SERVICES AND LEADERSHIP ASSESSMENTS**

ITEM	DESCRIPTION	SUBMISSION (INFORMATION/ DOCUMENTATION TO BE PROVIDED)	DETAILED DESCRIPTION	RATING	SUB-WEIGHT	WEIGHT
		comprehensive understanding of the requirements for this tender (this should include the high-level SWOT analysis mentioned in paragraph 26.1.1).				
			3.1.2. Proposed methodology is provided but reflects limited alignment with the requirements for this tender.	2-3		
			3.1.3. Proposed methodology provided and reflects alignment with the requirements for this tender.	4-5		
		3.2. Provide in-depth details with regards to the leadership assessments to be administered.	3.2.1. No details provided on the leadership assessments to be administered.	0	10	
			3.2.2. Insufficient details provided on the leadership assessments to be administered.	1-3		
			3.2.3. Detailed assessment methodology provided with regards to the leadership assessments to be administered.	4-5		
<b>TOTAL</b>						<b>100</b>

### 31. Standard bidding documents

31.1 The following compulsory additional information is required. Failure to complete and supply any of these documents may lead to disqualification from this bid:

**Table 2**

Invitation to bid	SBD 1
Pricing Schedule	SBD 3.3
Declaration of Interest	SBD 4
Preference Points Claim Form for Preferential Procurement Regulations 2017 (including a valid B-BBEE Status Level Verification Certificate)	SBD 6.1
<b>Should a bidder not complete and sign the SBD6.1, the bidder will be allocated 0.00 points for B-BBEE.</b>	
Declaration: Abuse of Supply Chain Management Systems	SBD 8
Certificate of Independent Bid Determination	SBD 9

### 32. Timeline of the bid process

32.1 The period of validity of the tender and the withdrawal of offers, after the closing date and time are 90 days, expiring on 6 January 2020. The project timeframes of this bid are set out below:


**Table 3**

STAGE	DESCRIPTION OF STAGE	ESTIMATED COMPLETION DATE (OR WORK WEEK ENDING)
1.	Advertisement of bid on Government e-tender portal / print media / Tender Bulletin	6 September 2019
2.	Questions relating to bid from bidder(s)	17 September 2019
3.	Bid closing date	8 October 2019
4.	Compliance: Bid Evaluation Committee	18 October 2019
5.	Functional Evaluation: (Desktop evaluation)	25 October 2019
6.	Bid Adjudication: Bid Adjudication Committee	22 November 2019
7.	Notification of the outcome to the bidders	29 November 2019

32.2 All dates and times in this bid are South African Standard Time.

32.3 Any time or date in this bid is subject to change at the FSCA's discretion. The establishment of a time or date in this bid does not create an obligation on the part of the FSCA to take any action or create any right in any way for any bidder to demand that any action be taken on the date established. The bidder accepts that, if the FSCA extends the deadline for bid submission (the Closing Date) for any reason, the requirements of this bid otherwise apply equally to the extended deadline.

**E. STANDARD BIDDING DOCUMENTS**
**Standard Bidding Document (SBD 1)**
**PART A  
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE FINANCIAL SECTOR CONDUCT AUTHORITY					
BID NUMBER:	<b>FSCA2019/20-T013</b>	CLOSING DATE:	<b>08 OCTOBER 2019</b>	CLOSING TIME:	<b>11H00</b>
DESCRIPTION	<b>PANEL FOR PROVISION OF EXECUTIVE COACHING SERVICES AND LEADERSHIP ASSESSMENTS</b>				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
Riverwalk Office Park, Block B					
41 Matroosberg Road (Corner Garsfontein and Matroosberg Roads)					
Ashlea Gardens, Extension 6, Menlo Park					
Pretoria, South Africa, 0081					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	<b>Georgina Serumula</b>		CONTACT PERSON	<b>Georgina Serumula</b>	
TELEPHONE NUMBER	<b>012 422 2855</b>		TELEPHONE NUMBER	<b>012 422 2855</b>	
FACSIMILE NUMBER	<b>Not applicable</b>		FACSIMILE NUMBER	<b>Not applicable</b>	
E-MAIL ADDRESS	<a href="mailto:tenders@fsca.co.za">tenders@fsca.co.za</a>		E-MAIL ADDRESS	<a href="mailto:tenders@fsca.co.za">tenders@fsca.co.za</a>	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
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**PANEL FOR PROVISION OF EXECUTIVE COACHING SERVICES AND LEADERSHIP ASSESSMENTS**

E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:
				MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	

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

<i>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	<i>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW ]
--	--	---	---

**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES  NO  
 DOES THE ENTITY HAVE A BRANCH IN THE RSA?  YES  NO  
 DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  YES  NO  
 DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO  
 IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?  YES  NO  
**IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.**

**PART B  
TERMS AND CONDITIONS FOR BIDDING**


<b>1. BID SUBMISSION:</b>
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b></p> <p>1.3. 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 SPECIAL CONDITIONS OF CONTRACT.</p> <p>1.4. <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b></p>
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER’S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE <a href="http://WWW.SARS.GOV.ZA">WWW.SARS.GOV.ZA</a>.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p> <p>2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE.”</p>

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

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED:.....  
(Proof of authority must be submitted e.g. company resolution)

DATE: .....

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**Standard Bidding Document (SBD 3.3)**

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

NAME OF BIDDER:.....	BID NO.: <b>FSCA2019/20-T013</b>
CLOSING TIME <b>11:00</b>	CLOSING DATE: <b>08 OCTOBER 2019</b>

OFFER TO BE VALID FOR 90 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)
4. PERSON AND POSITION HOURLY RATE DAILY RATE

.....	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 AMOUNT	RATE	QUANTITY	
.....	.....	.....	R.....
.....	.....	.....	R.....
.....	.....	.....	R.....
TOTAL: R.....			

\*\* "all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance fund 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 AMOUNT	RATE	QUANTITY	
.....	.....	.....	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
- 9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index. ....  
.....

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

Any enquiries regarding bidding procedures may be directed to the –  
 Contact Person: Georgina Serumula  
 Tel: 012 422 2855  
[Email address: tenders@fsca.co.za](mailto:tenders@fsca.co.za)



## Standard Bidding Document (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 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: .....

2.2 Identity Number: .....

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

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.

<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.

<sup>2</sup>“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.

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**DECLARATION OF INTEREST (continuation)**

2.7 Are you or any person connected with the bidder presently employed by the state?

**TICK APPLICABLE**

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 : .....  
 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?

**TICK APPLICABLE**

YES	NO

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

2.7.2.1 If yes, did you attach proof of such authority to the ? bid document?

**TICK APPLICABLE**

YES	NO

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

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

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

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

2.8 Did you or your spouse, or any of the company's Directors /trustees /shareholders /members or their spouse conduct business with the state in the previous twelve months?

**TICK APPLICABLE**

YES	NO

2.8.1. If so, furnish particulars:

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

**DECLARATION OF INTEREST (continuation)**

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

**TICK APPLICABLE**

<b>YES</b>	<b>NO</b>

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?

**TICK APPLICABLE**

<b>YES</b>	<b>NO</b>

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?

**TICK APPLICABLE**

<b>YES</b>	<b>NO</b>

2.11.1. If so, furnish particulars:

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

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

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

## Standard Bidding Document (SBD 6.1)

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

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

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

#### 1. GENERAL CONDITIONS

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

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

1.2

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

1.3 Points for this bid shall be awarded for:


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

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

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

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

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

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

**2. DEFINITIONS**


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

**3. POINTS AWARDED FOR PRICE****3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

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

80/20 or 90/10

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

Where

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

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

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

<b>B-BBEE Status Level of Contributor</b>	<b>Number of points (90/10 system)</b>	<b>Number of points (80/20 system)</b>
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

**PANEL FOR PROVISION OF EXECUTIVE COACHING SERVICES AND LEADERSHIP ASSESSMENTS**

**5. BID DECLARATION**

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

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

6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 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.

**SBD 6.1**

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

**7. SUB-CONTRACTING**

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

*(Tick applicable box)*

YES		NO	
-----	--	----	--

7.1.1 If yes, indicate:

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

*(Tick applicable box)*

YES		NO	
-----	--	----	--

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

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



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

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

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

**8.4 TYPE OF COMPANY/ FIRM**

- Partnership/Joint Venture / Consortium
  - One person business/sole propriety
  - Close corporation
  - Company
  - (Pty) Limited
- [TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....

.....

.....

.....

.....


**COMPANY CLASSIFICATION**

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

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

8.7 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;

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- 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.

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>	<p>..... SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
--	---

## Standard Bidding Document (SBD 8)

### DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
  - a. abused the institution'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	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p><b>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</b></p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	4.1.1 If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	4.2.1 If so, furnish particulars:		

Item	Question	Yes	No
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	4.4.1 If so, furnish particulars:		

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

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**  
 Js365bW


## Standard Bidding Document (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

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**CERTIFICATE OF INDEPENDENT BID DETERMINATION (continuation)**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_  
 (Bid Number and Description)


in response to the invitation for the bid made by:

\_\_\_\_\_  
 (Name of Institution)

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

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

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

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**CERTIFICATE OF INDEPENDENT BID DETERMINATION (continuation)**


6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
  7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
    - (a) prices;
    - (b) geographical area where product or service will be rendered (market allocation)
    - (c) methods, factors or formulas used to calculate prices;
    - (d) the intention or decision to submit or not to submit, a bid;
    - (e) the submission of a bid which does not meet the specifications and conditions of the bid;  
or
    - (f) bidding with the intention not to win the bid.
  8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
  9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- <sup>3</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.**
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

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## F. ADMINISTRATIVE CHECKLIST

Hereunder is a checklist to ensure that the bid document is complete in terms of administrative compliance. Please ensure that the following forms have been completed and signed and that all documents, as requested, are attached to the tender document.

ITEM	DOCUMENT REFERENCE		ACTION TO BE TAKEN	YES/ NO
1.	SBD 1	Invitation to bid	Is the form duly completed and signed?	
2.	SBD 3.3	Pricing Schedule	Is the form duly completed and signed?	
3.	SBD 4	Declaration of Interest	Is the form duly completed and signed?	
4.	SBD 6.1	Preference Points Claim Form for Preferential Procurement Regulations 2017	Is the form duly completed, B-BBEE points claimed and form signed?	
5.	B-BBEE status level verification certificate		Is proof of B-BBEE Status level of contributor attached?	
6.	SBD 8	Declaration: Abuse of Supply Chain Management Systems	Is the form duly completed and signed?	
7.	SBD 9	Certificate of Independent Bid Determination	Is the form duly completed and signed?	
8.	Tender submission		Two (2) printed copies (one original and one copy) submitted?	
			One (1) electronic copy submitted?	


I, the undersigned (name) .....  
 certify that the information furnished on this checklist is true and correct.

.....  
 Signature

.....  
 Date

.....  
 Position

.....  
 Name of Bidder

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