



**YOU ARE HEREBY INVITED TO SUBMIT PROPOSAL(S) FOR A PANEL OF LEGAL SERVICES OF GERT SIBANDE TVET COLLEGE FOR THE PERIOD OF THREE (3) YEARS**

|   |  |
|---|--|
| <b>RFP NUMBER:</b>                      | <b>C/O-GOV 001/11/22</b>   |
| <b>RFP ISSUE DATE:</b>                  | <b>23 November 2022</b>  |
| <b>CLOSING DATE AND TIME:</b>           | <b>09 December 2022</b>  |
| <b>RFP VALIDITY PERIOD:</b>             | <b>90 DAYS (COMMENCING FROM THE RFP CLOSING DATE)</b>  |
| <b>DESCRIPTION:</b>                     | <b>LEGAL SERVICES FOR GERT SIBANDE TVET COLLEGE</b>  |
| <b>RESPONSES TO THIS RFP SHOULD BE:</b> | <b>PLACED IN THE TENDER BOX AT THE RECEPTION AT CENTRAL OFFICE, 18A DR BEYERS NAUDE ST, STANDERTON, BY NO LATER <b>11H00am 09 Dec 2022</b></b>   |
| <b>ENQUIRY</b>                          | <b>Mr. A Muzenda</b><br><b>017 712 1459 / 084 844 1212</b><br><a href="mailto:Research.i@gscollege.edu.za">Research.i@gscollege.edu.za</a><br><b>Or</b><br><b>Mr. P Rathaba</b><br><b>017 712 1459</b><br><a href="mailto:Rathaba.p@gscollege.edu.za">Rathaba.p@gscollege.edu.za</a> |

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## 1. INTRODUCTION

### 1.1 Purpose

- 1.1.1 The purpose of this request is to invite service providers (hereinafter referred to as Bidders') to submit a RFP response for **Legal Services at Gert Sibande TVET College** ref number: C/O-GOV 001/11/22
- 1.1.2 The college intends to appoint the panel of legal firms.

### 1.2 Background Information

- 1.2.1 Gert Sibande TVET College requires the legal Services of experienced legal (bidder) for the period of three (3) years.

### 1.3 Scope of Work

The successful firms of attorneys will be required to render legal services to Gert Sibande TVET College in the following areas:

Labour Law- with a focus on dispute resolutions, unfair dismissal claims referred to the CCMA, ELRC, GPSSBC, Labour court and other labour related matters.

- 1.3.1.1 Contracting-drafting and vetting of contracts.
- 1.3.1.2 Litigation- Magistrates Court, High Court, Legal advice etc.
- 1.3.1.3 Commercial and Corporate Law- Commercial law transactions.
- 1.3.1.4 Conducting detailed and credible research on the required legal assignments.
- 1.3.1.5 Conveyance- To manage transfer of College property
- 1.3.1.6 Construction and Engineering Law- providing legal advice, support and dispute resolutions services.
- 1.3.1.7 Other legal related matters of the College.

## 1.4 Special Conditions

The following are the special conditions applicable to this request for proposals:

- 1.4.1 The appointment of successful Bidder(s) will be for a maximum period of three (30 years reckoned from the date of signing Service Level Agreement with Gert Sibande TVET College.
- 1.4.2 The successful firm (s) may be assigned work as and when required.
- 1.4.3 For every assignment, an appointment letter will be issued to the specific assigned firm.
- 1.4.4 Gert Sibande TVET College may, in respect of an assignment, negotiate fees with any successful firm(s).
- 1.4.5 A firm assigned any work may not cede, assign or sub-contract any part thereof to any person unless with the written consent of Gert Sibande TVET College or as may be required by the applicable laws, for instance, in cases where correspondent firm may be necessary.
- 1.4.6 The appointment of firms does not guarantee assignment of work.
- 1.4.7 The successful firm shall report directly to the Senior Executive Manager or any person delegated by the Gert Sibande TVET College in respect of any engagement (Instructions, case management etc.) And for the receipt and handling of all forms of reports and all administration pertaining to any particular assignment (s).

## 1.5 Basic Terms and Conditions

- 1.5.1 To ensure that the bid is not exposed to invalidation, documents are to be completed in accordance with the conditions and bid rules contained in the bid documents.
- 1.5.2 Bid documents must be sealed and externally marked with: Legal Services, bid no: **C/O-GOV 001/11/22** and placed in tender Box at Central Office **18A Dr Beyers Naude Street Standerton 2430**, not later than the closing date and time as advertised, at which hour the bids will be opened in public in the staff room, Ground Floor, at the mentioned address.
- 1.5.3 Gert Sibande TVET College reserves the right not to consider any bid not suitably endorsed or comprehensively completed as well as the right to accept a bid in whole or part.
- 1.5.4 The following documents must be completed and signed where applicable and submitted as a complete set:

## **SBD FORMS**

- |         |         |   |
|---------|---------|---|
| 1.5.4.1 | SBD 1 - | Invitation to Bid   |
| 1.5.4.2 | SBD 4 - | Declaration of Interest                                       |
| 1.5.4.3 | SBD 8 - | Declaration of Bidders past Supply Chain Management Practices |
| 1.5.4.4 | SBD 9 - | Certificate of Independent Bid Determination                  |

## **1.6 Pre- Qualification**

### **NB: Very Important Notice on Disqualification**

A bid complying with the peremptory stated hereunder will be regarded as not being an “Acceptable bid” and as such will be rejected.

“Acceptable bid” means any bid, which, in all respects, compiles with conditions of bid and specifications as set out in the bid documents.

A bid will be disqualified:

- 1.6.1 If any pages have been removed from the bid document, and have therefore not been Submitted, or copy of the original bid document has been submitted.
- 1.6.2 In the event of a failure to complete and sign schedule of quantities as required, i.e. Only lump sums provided.
- 1.6.3 If in the event of the use of correction fluid (e.g. tippex), any erasable ink, or any Erasable writing instrument (e.g. pencil).
- 1.6.4 If the bidder attempts to influence, or has in fact influenced the evaluation and/or Awarding of the contract.
- 1.6.5 If the bidder has been submitted either in the wrong bid box or after relevant closing Date and time.

## **1.7 Compulsory Returnable Documents**

- 1.7.1 Company profile with company size, organizational structure, and contract details (contact names, residential addresses, telephones, fax and email addresses).
- 1.7.2 CSD summary report not older than three months. To verify (Tax Compliant Status, if the bidder is restricted, if any director/s is restricted and if any director/s is government employee).
- 1.7.3 Letter of Good Standing (from the Legal Practice Council)
- 1.7.4 Fidelity Funds certificate issued in terms of the Legal Practice Act 28 of 2014.
- 1.7.5 Proof of registration certificate with Law Society of South Africa.
- 1.7.6 Proof of payment for the purchase of the tender document, (an amount R300. 00)  
Non-refundable

## 2 EVALUATION CRITERIA

### 2.7 Functionality

Bids submitted will be adjudicated by Gert Sibande TVET College using functionality.

**Functionality will be evaluated as follows:**

**Minimum points for functionality is 75 points and any bidder that scores below 75 Points will be disqualified.**

| CRITERIA   | WEIGHT     |
|--|------------|
| <p><b>Company Experience on Labour Law services in any institution, Proof required (e.g. Purchase Order, appointment letter)</b><br/> <b>NB: They must be on the company letterhead and have contact details not older than 10 years.</b></p> <p>3-5 services = 10 Points<br/>                     6 and above services = 20 Points</p>  | 20         |
| <p><b>Company Experience on Commercial/ Corporate/ Construction and Engineering services in any institution, Proof required (e.g. Purchase Order, appointment letter) NB: They must be on the company letterhead and have contact details not older than 10 years</b></p> <p>3-5 services = 10 Points<br/>                     6 and above services = 30 Points</p>                                | 30         |
| <p><b>The company must be registered as a conveyancer.</b><br/> <b>Proof:</b> Company trust-deed under the company name = 10 points</p>  | 10         |
| <p><b>Necessary capacity and resources to deliver on the legal services (e.g. CV's of the relevant staff, qualifications and registration as attorney)</b></p> <p>LLB = 5 points (1CV)<br/>                     LLB = 10 points (2 and above CV's)</p> <p><b>Lead attorney's (s) proof of admission as an attorney.</b></p> <p>(1 CV) = 5 points<br/>                     (2 CV's) = 10 points</p> | 20         |
| <p><b>Locality: Provide proof (e.g. Statement of account in the name of the company/ Lease agreement)</b></p> <p>Gert Sibande Region = 20<br/>                     Mpumalanga address = 10<br/>                     Outside Mpumalanga = 5</p>   | 20         |
| <b>Total</b>   | <b>100</b> |

**FORMULA:**

**Allocated points \* 100 = PERCENTAGE**

**Total weight**

|  |  |  |   |  |  |
|--|--|--|---|--|--|
| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE ( <i>NAME OF DEPARTMENT/PUBLIC ENTITY</i> )  |  |  |   |  |  |
| BID NUMBER:  |  | CLOSING DATE:  |   | CLOSING TIME:  |  |
| DESCRIPTION  |  |  |   |  |  |
| BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)  |  |  |   |  |  |
| <b>18a Dr Beyer's Naude Street; Standerton; 2430</b>   |  |  |   |  |  |
|  |  |  |   |  |  |
| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO   |  |  | TECHNICAL ENQUIRIES MAY BE DIRECTED TO: |  |  |
| CONTACT PERSON   |  | Mr. A Muzenda  |   | CONTACT PERSON   |  |
| TELEPHONE NUMBER   |  | 017 712 1459/084 844 1212  |   | TELEPHONE NUMBER   |  |
| FACSMILE NUMBER  |  | N/A  |   | FACSMILE NUMBER  |  |
| E-MAIL ADDRESS   |  | <a href="mailto:Research.i@gscollge.edu.za">Research.i@gscollge.edu.za</a>         |   | E-MAIL ADDRESS   |  |
|  |  |  |   | <a href="mailto:Rathaba.p@gscollge.edu.za">Rathaba.p@gscollge.edu.za</a>                             |  |
| SUPPLIER INFORMATION   |  |  |   |  |  |
| NAME OF BIDDER   |  |  |   |  |  |
| POSTAL ADDRESS   |  |  |   |  |  |
| STREET ADDRESS   |  |  |   |  |  |
| TELEPHONE NUMBER   |  | CODE   |   | NUMBER   |  |
| CELLPHONE NUMBER   |  |  |   |  |  |
| FACSMILE NUMBER  |  | CODE   |   | NUMBER   |  |
| E-MAIL ADDRESS   |  |  |   |  |  |
| VAT REGISTRATION NUMBER  |  |  |   |  |  |
| SUPPLIER COMPLIANCE STATUS   |  | TAX COMPLIANCE SYSTEM PIN:   |   | OR   |  |
|  |  |  |   | CENTRAL SUPPLIER DATABSE No:   |  |
|  |  |  |   | MAAA   |  |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE   |  | TICK APPLICABLE BOX<br><input type="checkbox"/> Yes <input type="checkbox"/> No    |   | B-BBEE STATUS SWORN AFFIDAVIT  |  |
|  |  |  |   | [TICK APPLICABLE BOX]<br><input type="checkbox"/> Yes <input type="checkbox"/> No                    |  |
| (A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFIDAVIT ( FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY PREFERENCE POINTS FOR B-BBEE) |  |  |   |  |  |
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA IN THE GOODS /SERVICES/ WORKS OFFERED?   |  | <input type="checkbox"/> No <input type="checkbox"/> Yes<br>[IF YES ENCLOSE PROOF] |   | ARE YOU FOREIGN BASED SUPPLIER FOR THE GOODS / SERVICES/ WORKS OFFERED?                              |  |
|  |  |  |   | <input type="checkbox"/> No <input type="checkbox"/> Yes<br>[IF YES, ANSWER THE QUESTIONNAIRE BELOW] |  |
| QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS   |  |  |   |  |  |
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  |  |  |   | <input type="checkbox"/> Yes <input type="checkbox"/> No   |  |
| DOES THE ENTITY HAVE A BRANCH IN THE RSA?  |  |  |   | <input type="checkbox"/> Yes <input type="checkbox"/> No   |  |
| DOES THE ENTITY HAVE PERMANENT ESTABLISHMENT IN THE RSA?   |  |  |   | <input type="checkbox"/> Yes <input type="checkbox"/> No   |  |
| DOES THE ENTITY HAS SOURCE OF INCOME IN THE RSA?   |  |  |   | <input type="checkbox"/> Yes <input type="checkbox"/> No   |  |



IS THE ENTITY LIABLE IN THE RSAFOR 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

**SBD 1**

**PART A  
INVITATION TO BID**

**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 IN THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE DOCUMENT.

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.

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

**2. TAX COMPLIANCE REQUIREMENTS**

2.1 NO BIDS BE CONSIDERED FROM PERSON 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.

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

SIGNATURE OF A BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....  
(Proof of authority must be submitted e.g. company resolution)

DATE:

.....





**SBD4**

**DECLARATION OF INTEREST**

1. Any legal person, including persons employed by the state, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes 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 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 bi(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 adjudication of the bid.

**2. In order to give the 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): .....
- 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 / personal number must be indicated in paragraph 3.

“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 the appropriate authority to undertake remunerative work outside employment in the public sector? YES / NO

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

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

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

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

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

2.8.1 If so, furnish with 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 with 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 evaluation and or adjudication of this bid? YES / NO

2.10.1 If so, furnish with particulars:

.....  
 .....

2.11 Do you or any of the directors / trustees / shareholders / members Of the company have any interest in any other related companies? Whether or not they are bidding for this contract? YES / NO

2.11.1 If so, furnish particulars:

.....  
 .....

**3 FULL DETAILS OF DIRECTORS/ TRUSTEES / MEMBERS / SHAREHOLDERS.**

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



|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|  |  |  |  |

#### 4 DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 AND 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONIDTIOND OF COTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

Signature.....Date.....

Position.....Name of bidder.....

#### SBD 8

#### DECLARATION OF BIDDERS' 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 the bidder, or any of the directors have-
  - a. abused the institution's supply chain management;
  - 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?<br/>           (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 <i>the audi patteram pattern</i> rule was applied).</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> | <input type="checkbox"/> | <input type="checkbox"/> |

|       |   |                                 |                                |
|-------|---|---------------------------------|--------------------------------|
| 4.1.1 | If so, furnish particulars:   |                                 |                                |
| 4.2   | In 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)? Register for Tender Defaulters can 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. | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.2.1 | If so, furnish particulars  |                                 |                                |
| 4.3   | Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?  | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.3.1 | If so, furnish particulars:   |                                 |                                |
| 4.4   | Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?   | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.4.1 | If so, furnish particulars  |                                 |                                |

## SBD 8

### CERTIFICATION

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

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

Signature

Date

Position

Name of Bidder

## SBD 9

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. The Standard Bidding Document (SBD) must form part of all bids' 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 decision or decision by an association of firms, if it between parties in a horizontal relationship and if it involves conclusive bidding (or bid rigging). 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 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:

**'Includes price quotations, advertised competitive bids, limited bids and proposals.**

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 competitors not to compete.

**SBD 9**

**CERTIFICATE OF INDEPENDENT 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 not found not to be true and complete in every respect;
3. I am authorised 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 authorised 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 organisation, 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 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.

**SBD 9**

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 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.

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

**SBD 9**

- 10. 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.

.....  
Name of Bidder

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Signature

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Position

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Date



Date

