



BID DOCUMENT

BID DESCRIPTION:

**REQUEST FOR PROPOSALS (RFP) FOR THE PROFILING
CRAFT SECTOR IN THE FREE STATE PROVINCE**

BID NUMBER:

FDC RFP: 002/2017

BRIEFING SESSION DATE: 29 SEPTEMBER 2017, AT 11:00

CLOSING DATE: 20 OCTOBER 2017 12:00

PREPARED BY:

**FREE STATE DEVELOPMENT CORPORATION
FDC HOUSE 33 KELLNER STREET (OPPOSITE SABC OFFICES)
BLOEMFONTEIN
9300**

CONTACT PERSON(S):

TECHNICAL: MR. FRANK TLHOMELANG: 051 4000 828

SUPPLY CHAIN MANAGEMENT: MS. NTOMBI MTIMKULU 051 4000 800

VERY IMPORTANT NOTICE ON DISQUALIFICATION

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

“**Acceptable Bid**” means any bid which, in all respects, complies with the conditions of the Bid and Specifications as set out in the bid document, including conditions as specified in the Preferential Procurement Policy Framework Act, 2017 and related legislation as published in Government Gazette No 40553, in terms of which provision is made for this policy.

1. Submit bid on or before closing date and time
2. Fill in the required information in all Forms/Bills
3. Complete all Forms/Bills in black ink. Do not use pencils or correction fluid to make corrections
4. Make corrections, if necessary, only by placing a line across the words/numbers to be corrected and initial next to the amended text. Do not scratch out, write over rates, paint over rates or use correction fluid
5. Do not remove pages from the bid document
6. Ensure that witnesses signed where required
7. Attend the compulsory site/clarification meetings
8. Submit the applicable completed Authority for Signatory form and attach a certified copy of the members/director’s resolution
9. Attach to the bid documents a copy of a signed Joint Venture agreement (if applicable)
10. Only the person authorised to do so may sign the bid offer
11. Submit a valid Tax Clearance Certificate and a unique Security Personal Identification Pin issued by the South African Revenue Service (in the case of a joint venture, of all the partners in the joint venture) must be submitted with the bid document on closing date of the bid

Furthermore, the bid will be considered as not acceptable if:

12. The bidder attempts to influence, or has in fact influenced the evaluation of the bid and/or the awarding of the contract
13. The bidder or any of his directors is listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004
14. The bidder has abused the FDC’s Supply Chain Management System
15. Irrespective of the procurement process followed, no award may be given to a person-
 - i. Who is in the service of the state, or
 - ii. If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; or
 - iii. who is an advisor or consultant contracted with the FDC in respect of contract that would cause a conflict of interest
16. The bidder may only submit a bid on the documentation provided by the FDC

Bids containing any one or more of the following errors or omissions will not be rejected, provided that when the bid is awarded to such a bidder, the error or omission is corrected:

Bidder: Initial of authorised signatory/ies

1. _____

2. _____

FDC:
Initial _____

Witness:
Initial _____

NOTE:

IN THIS DOCUMENT AND OTHER DOCUMENTS REFERRED TO BUT NOT ATTACHED, THE FOLLOWING WORDS ARE SYNONYMOUS WITH EACH OTHER

1. CLIENT, EMPLOYER, FREE STATE DEVELOPMENT CORPORATION (FDC)
2. BIDDER, CONTRACTOR, SERVICE PROVIDER
3. QUOTATION AND BID AND VARIATIONS THEREOF
4. JOINT VENTURE / CONSORTIUM

Bidder: Initial of authorised signatory/ies

1. _____

2. _____

FDC :
Initial _____

Witness:
Initial _____

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PUBLIC NOTICE **INVITATION TO TENDER**

BID DESCRIPTION: REQUEST FOR PROPOSALS (RFP) FROM INTERESTED AND COMPETENTLY SKILLED SERVICE PROVIDERS TO RESEARCH & PROFILING CRAFT SECTOR IN THE FREE STATE PROVINCE

BID NUMBER: FDC BID NO. 002/2017

The Free State Development Corporation herewith invites all interested and competently skilled service providers to submit proposals for Research & Profiling Craft Sector in the Free State Province

Proposal must be deposited in the bid box situated at FDC Head Office at FDC House, 33 Kellner Street on the **20 October 2017 at 12h00.**

Each proposal must be submitted in a separate, clearly marked sealed envelope.

Please note that proposals, which are not submitted in a properly sealed and marked envelope and / or are not deposited in the relevant tender box and / or are deposited after the closing date and time, will not be considered. **Faxed proposals will not be considered.**

Bids are to be completed in accordance with the conditions and bid rules contained in the bid documents. Bid documents must be properly indexed and neatly bounded.

1. BACKGROUND INFORMATION

The Free Development Corporation (FDC) is a public entity established in terms of the Free State Development Corporation Act No. 6 of 1995.

Bids from persons whose tax affairs are not in order or those owing the FDC for more than 90 days without acceptable official arrangements will not be considered for the commissioning of the services FDC reserves the right to vet applicants.

2. PURPOSE AND METHODOLOGY

To provide an accurate and up-to date assessment of the profile of crafts industry and expected future trends as part of Free State Provincial Economic Development Strategy process based on available quantitative and qualitative information

This analysis is conducted as part of a wider Free State Provincial Economic Development Strategy process. This profile will inform the subsequent development of recommendations for intervention at provincial level which will set-out the provincial vision for the sector, identify gaps in the current interventions and recommend targeted additional priority interventions to grow the sector at a provincial level.

The profile must be developed through a review of existing reports and supplemented by interviews with key role players in or related sectors to the craft sector.

3. DEFINING THE CRAFT SECTOR

Defining the craft sector taking into account that most sectors have in common the nature of their primary inputs, while in contrast, the craft sector has in common the technique of handmade production.

4. RATIONALE AND APPROACH TO CRAFT SECTOR PROFILING

Comprehensive and reliable information on the craft sector is not readily available.

4.1 Mapping out current interventions in the sector

Identify, describe and map-out current interventions and co-ordination mechanisms in the Sector at national, provincial local and international level including donors.

4.2 The range of materials specific techniques and product types

Identify, map-out a range of materials, product types, design styles and techniques to create a craft product.

This may vary significantly as craft enterprises may use a combination of different Materials, technique and design styles to produce a range of products.

4.3 Key statistics for Free State Craft Sector

Recognising that Craft production is fragmented, with most producers producing at small scale, determine the following: -

- 4.3.1. The number of producing enterprises,
- 4.3.2. The number employed / engaged,
- 4.3.3. The number of retail enterprises
- 4.3.4. Retail turnover

4.4. Market positioning

Identify and map out market positioning and related drivers of purchasing decisions for consumers and describe their characteristics. This may include functional items, fashion lead items, gifts and novelty items, corporate gifts, collectibles or craft art, souvenirs and cultural artefacts.

4.5. SWOT Analysis

Prepare a SWOT Analysis of the in the Free State and describe key defining characteristics of the Free State Craft Sector.

5. Sector Value Chain Mapping

5.1. Map-out the proposed craft sector value chain for Free State and describe its core elements including the role of intermediaries and agents.

6. Current profile of Free State crafts sector

6.1 Describe the current profile of the Free State craft sector by providing the following: -

- 6.1.1 Overview of activity within the crafts value chain in the Free State
- 6.1.2 Design style and orientation
- 6.1.3 Inputs or raw materials used by craft sector and current import tariffs rates on key inputs
- 6.1.4. Dominant craft production / creation practices
- 6.1.5 List product range produced by crafters and the number of enterprises involved
- 6.1.6. Services, marketing and distribution
- 6.1.7. Types of retail outlets
- 6.1.8. Origins of products been retailed in Free State
- 6.1.9. Consumers
- 6.1.10. Skills (Design skills / technical skills/ basic business skills/

- advanced business skills
- 6.1.11. Geographic location of craft enterprises
- 6.1.12. Industry organisation and representation
- 6.1.13. Linkages with other sectors

7. High level assessment of international market trends

- 1.1. Major producers / competitors
- 1.2. Supply and distribution trends
- 1.3. Demand and retail trends

8. Current support by government and other entities

9. Conclusions

- 9.1 Defining characteristics of Free State Craft Sector
- 9.2 Conclusions on the impact of the sector from provincial and regional socio-economic context
- 9.3 Conclusions on potential consequences of no intervention or further interventions
- 9.4 Recommendations and the way forward.

10. Annexures

- 10.1. Reports consulted
- 10.2. Role players consultations

11. Bidders must provide the following

- 11.1. Structure of the Craft Sector Profiling
- 11.2. Activities and Work-plan
- 11.3. Methodology and Content
- 11.4. Reporting

12. COST OF BIDDING

- 1.1.1. The Bidder will bear all costs and expenses associated with the preparation and submission of a proposal in relation to this ToR. Neither the FDC or any of its respective directors, officers, employees, agents, representatives or advisors will assume any obligation for any costs or expenses incurred by any party in or associated in preparing or submitting a Bid in response to the ToR.

13. CONDITIONS OF CONTRACT

- 13.1 The conditions of contract are a Service Level Agreement.

14. TENDER BRIEFING SESSION

14.1. A Briefing session meeting with representatives from the employer will be conducted as follows:

Date: 29 September 2017

Venue: FDC House, 33 Kellner Street, Westdene, Bloemfontein.

Time: 11h00

15. DOCUMENTS

The following compulsory returnable documents must be submitted with the Bid, failure to submit any of these documents will lead to disqualification:

15.1. Company Registration Documents.

15.2. Valid Tax Clearance Certificate and Personal Identification Verification Pin issued by the South Africa Revenue Services. In instances where a Joint Venture / Consortium or Sub-contractor are involved, each party must submit a separate Tax Clearance or PIN.

15.3. Original or Certified copy of Valid BBBEE Certificate from (SANAS accredited Verification Agency or from the Auditors approved by the Independent Regulatory Body of Auditors). Any EME (Exempted Micro Enterprise) or QSE (Qualifying Small Enterprise) is only required to obtain a sworn affidavit on an annual basis confirming the following:

- Annual Total Revenue of R 10 Mill or less (EME) or Revenue between R 10 Mill and 4 50 Mill for QSE; Level of Black Ownership (Any misrepresentation in this regard constitutes a criminal offence as set out in the BBBEE Act as amended.

15.4. Joint Venture Agreement (if bidder is a Joint Venture).

15.5. Curriculum Vitae of all Team Members.

16. BID EVALUATION

The Bid will be evaluated on functionality. Submitted proposals will be evaluated on functionality / quality, an evaluation criterion used to gauge the expertise and experience of bidding entities. Service providers scoring a minimum of 70 points out of 100 for functionality will be eligible for evaluation on price and preference.

FUNCTIONALITY EVALUATION

As a condition of functionality evaluation, Bidders failing to score a minimum of 70 out of 100 points, will not be considered for further evaluation on price and preference. The Bid

Committee, may, if necessary seek clarification of any aspect of the bid and may request presentations from Bidders.

The functionality criteria are as follows:

17. BID EVALUATION

17.1. Evaluation Criteria and weightings

Phase 1: Initial Screening Process:

During this phase, bid responses will be reviewed for purposes of assessing compliance with RFP requirements including the general bid conditions, which requirements include the following:

- Submission of a valid Tax Clearance Certificate as referenced in 15.2 above.
- Submission of Company Registration Forms as referenced in 15.1 above
- Submission of ID copy for the Company Representative.
- BBBEE Status Certification as referenced in 15.3 above
- Completion of all Standard Bidding Documents and other requirements, as reflected in this RFP.

Phase 2: Technical / Functionality Evaluation

The Bid will be evaluated on functionality. Submitted proposals will be evaluated on functionality / quality, an evaluation criterion used to gauge the expertise and experience of bidding entities. Service providers scoring a minimum of 70 points out of 100 for functionality will be eligible for evaluation on price and preference.

FUNCTIONALITY EVALUATION

As a condition of functionality evaluation, Bidders failing to score a minimum of 70 out of 100 points, will not be considered for further evaluation on price and preference. The Bid Committee, may, if necessary seek clarification of any aspect of the bid and may request presentations from Bidders.

The functionality criteria are as follows:

Criteria / Element	Criterion	Weight of criterion
Bidders Relevant Experience	Demonstrate knowledge and understanding of the Craft Sector products, markets and policy interventions in South Africa and Internationally. 10 years – (20 points) 07 years – (15 points) 05 years – (5 points) Less - (0 points)	20
Bidders Proposed Craft Sector Research Methodology & Policy Design Recommendations	<ul style="list-style-type: none"> • Craft Sector Research Design & Methodology (15 points) • Craft Sector value chain mapping (5 points) • Craft Sector Policy Recommendations (10 points) 	30
Project Plan	How work required will be executed	10
Mapping & Profiling Craft Sector in Free State	Craft Sector Profiling (10 points) Gap Analysis (10 points) Strategy framework and implementation Plan (20 points)	40
Total		100

PRICE AND PREFERENCE EVALUATION

Bidders will be evaluated on BBEE and Price as per the Preferential Procurement Policy Framework Act Regulations of 2017. The 80/20 preference point system is applicable where 80 points will be awarded for price and 20 points for B-BBEE. Bidders looking to claim B-BBEE points must submit proof of status level contributor.

A bidder failing to submit proof of B-BBEE status level contributor or is a non-compliant contributor to B-BBEE will not be disqualified but will only score points for price and zero for Preference.

B-BBE 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

18. BID SUBMISSION

18.1. Bids are to be submitted on **20 October 2017 at 12h00** at 33 Kellner street, Westdene, Bloemfontein.

18.2. The Bids must be neatly bound and properly indexed.

18.3. Bids received after the closing time will not be considered, but will be returned back to Bidders.

18.4. NO Bids received by email, facsimile, telex, or electronic submission will be accepted.

19. ENQUIRIES

19.1. Bidders may direct all clarity seeking questions as follows:

Technical: Mr. Frank Tlhomelang: 051 4000 828

Supply Chain Management: Ms. Ntombi Mtimkulu 051 400 0800

LIST OF RETURNABLE DOCUMENTS

Returnable Documents

Returnable Documents will be used for tender evaluation purposes and be incorporated into the contract

The tenderer must return the following returnable documents legibly completed and signed in **FULL**.

1. Resolution of Board of Directors
2. Resolution of Board of Directors to enter into Consortia or Joint Ventures (in case of Joint Venture or Consortia)
3. Special Resolution of Consortia or Joint Ventures.
4. B-BBEE Certificate issued by a South African National Accreditation System (SANAS) or Auditors approved and registered by the Independent Regulatory Board of Auditors (IRBA), where Consortium / Joint Venture are involved Bidders are to hand in their consolidated B-BBEE certificates.
5. Standard Bidding Document 1 (SBD 1) – Invitation to Bid
6. Standard Bidding Document 2 (SBD 2) – Application for Tax Clearance Certificate
7. Standard Bidding Document 4 (SBD 4) – Declaration of Interest
8. Standard Bidding a Document 6.1 (SBD 6.1) – Preference points claim form in terms of the Preferential Procurement Regulations 2011.
9. Standard Bidding Document 8 (SBD 8) – Declaration of Bidder's Past Supply Chain Management Practices.
10. Standard Bidding Document 9 (SBD 9) - Certificate of Independent Bid Determination.

SBD 2: TAX CLEARANCE CERTIFICATE REQUIREMENTS
--

1. 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.
2. In order to meet this requirement bidders are required to complete in full 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.
3. 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.
4. 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.
5. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
6. 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.
7. 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.

Signature of Bidder:

_____ Date:_____

SBD 4: DECLARATION OF INTEREST

- 1. No bid will be accepted from persons in the service of the state*or FDC.

- 2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.

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

3.1 Full Name of bidder or his or her representative:
.....

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, shareholder²).....

3.4 Company Registration Number:

3.5 Tax Reference Number:

3.6 VAT Registration Number:

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below

3.8 Are you presently in the service of the state* **YES / NO**

3.8.1 If so, furnish particulars.
Name of person / director / trustee / shareholder member:
.....
Name of State institution at which you or the paerson connected to he bidder is employed:
.....
Any other particulars:
.....
.....

3.9 Have you been in the service of the state for the past twelve months? **YES / NO**

3.9.1 If so, furnish particulars

.....

.....

* MSCM Regulations: "in the service of the state" means to be –

- 1. A member of –
 - 1.1. any municipal council;
 - 1.2. any provincial legislature; or
 - 1.3. the national Assembly or the national Council of provinces
- 2. a member of the board of directors of FDC;
- 3. an official of FDC;
- 4. an employee of 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);
- 5. a member of the accounting authority of any national or provincial public entity; or
- 6. an employee of parliament or provincial legislature

3.10 Do you, have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.10.1 If so, furnish particulars.

.....

.....

3.11 Are you, aware of any relationship (family, friend, other) between a bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.11.1 If so, furnish particulars

.....

.....

3.12 Are any of the company's directors, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.12.1 If so, furnish particulars.

.....

.....

3.13 Are any spouse, child or parent of the company's directors, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.13.1 If so, furnish particulars.

.....

.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract.

YES / NO

3.14.1 If so, furnish particulars.

.....

.....

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

Full Name	Identity Number	State Employee Number

CERTIFICATION

I, THE UNDERSIGNED (NAME)

.....

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

Signature : _____

Date: _____

Capacity: _____

Name of bidder: _____

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

a)

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) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for 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:

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

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.

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-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

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.)

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		
OR		
Any EME		
Any QSE		

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

.....

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

8.8 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-BBE 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
.....

SBD8: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This standard bidding document serves as a declaration to be used by FDC 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.

- 2 The bid of any bidder may be rejected if that bidder, or any of its directors have:
 - a. abused the FDC's supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. wilfully neglected, reneged on or failed to comply with any government, municipal or other public-sector contract during the past five years; or
 - d. been listed in the Register for Bid Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector? (Companies or persons who are listed on this database, were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Bid Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Bid Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		

4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the FDC, or to any municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the FDC or any other 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"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

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

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM ARE 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. Section 4 (1)(b)(iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging)². Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
2. Treasury regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregards the bid of any bidder if that bidder, or any of its directors have abused the institutions' supply chain management system and or committed fraud or any other improper conduct in relation to such a system.
 - c. cancels 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 the 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 (SBD9) must be completed and submitted with the Bid:

¹ Includes price quotations, advertised competitive bids and proposals.

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

I, the undersigned, in submitting the accompanying bid:

RFP NO: FDC – RFP: 002/2017

BID DESCRIPTION:

REQUEST FOR PROPOSALS FROM INTERESTED
AND COMPETENTLY SKILLED SERVICE PROVIDERS TO DEVELOPMENT,
DESIGN AND COMMISSIONING A CORPORATE WEBSITE FOR THE MALUTI-A-
PHOFUNG SPECIAL ECONOMIC ZONE

in response to the invitation for the bid made by:

FREE STATE DEVELOPMENT CORPORATION

(Name of Government Entity)

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 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 in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the Bidder and/or is in the same line of business as the Bidder.
6. The Bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraph 6 above, there has been consultation, communication, agreement or arrangement with any competitor regarding: -
- (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation);
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
9. In addition, there have been no consultations, communications 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. In 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 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.

Signature: _____ Date: _____

Position: _____ Name of bidder: _____