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INVITATION TO BID

REQUEST FOR FORMAL WRITTEN PRICED QUOTATIONS : CONSULTING SERVICES

CLOSING DATE: **23 April 2014**

CLOSING TIME: **12H00**

BID NUMBER: **IOC/Structural Assessment**

BID DESCRIPTION: **The structural engineering services required to assess a building's load bearing capacity**

BID DOCUMENTS MUST BE DEPOSITED IN THE BID BOX SITUATED AT :

Offices of the Johannesburg Development Agency, 3 President Street, The Bus Factory, Newtown, Johannesburg, 2000

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE(see definition below)

¹*MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) 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);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Department: Procurement
Contact Person: Ms Claudia Mahlaule
Tel: 011 688 7851

Fax:011 688 7899

E-mail:cmahlaule@jda.org.za

ANY REQUIRIES REGARDING THE PROJECT MAY BE DIRECTED TO:

Department: Developments
Contact Person: Joy Jacobs
Tel: 011 688 7828

Fax:011 688 7899

E-mail:jjacobs@jda.org.za

PLEASE NOTE: TENDERS MUST BE SUBMITTED ON THE TENDER DOCUMENTATION ISSUED. TENDER DOCUMENTATION MUST NOT BE REPRODUCED OR REARRANGED. ANY ADDITIONAL INFORMATION MUST BE SUBMITTED AS A SEPARATE ATTACHMENT TO THE TENDER DOCUMENT FAILURE TO DO SO WILL RESULT IN YOUR BID BEING DISQUALIFIED.

OFFER

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

NAME OF BIDDER

POSTAL ADDRESS

STREET ADDRESS

TELEPHONE NUMBER CODE NUMBER

CELLPHONE NUMBER

FACSIMILE NUMBER CODE NUMBER

VAT REGISTRATION NUMBER

TOTAL BID PRICE excluding Value Added Tax

TOTAL BID PRICE in words

.....

.....

.....

..... excluding Value Added Tax

SIGNATURE OF BIDDER

CAPACITY UNDER WHICH THIS BID IS SIGNED

DATE

The following conditions will apply:

- A valid Tax Clearance Certificate must be submitted, copies or certified copies will not be accepted.
- An original and valid BBBEE status level verification certificate or a certified copy thereof must be submitted.
- A copy of the bidder's current municipal account in the name of the bidder or alternatively in the names of the directors / partners of the bidding entity must be submitted.
- Price(s) quoted must be valid for at least thirty (30) days from date of your offer.
- Price(s) quoted must be firm and must be exclusive of VAT.
- If the price quoted is above R 30 000 (inclusive of VAT), the quotation will be evaluated in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Framework Act (No. 5 of 2000).

Failure to comply with these conditions may invalidate your offer.

**REQUEST FOR FORMAL WRITTEN PRICE QUOTATIONS from
Structural engineers for the structural assessment of a building's load bearing capacity.**

1. LOCATION

The building is located within the Johannesburg Central Business District.

2. PROJECT SCOPE OF WORK

The project involves the installation of additional IT hardware on the third floor of a seventeen story building (with a basement).

The scope of work for the structural engineer is to determine the load bearing capacity of the building and whether additional load can be accommodated on the third floor.

3. DURATION

The estimated contract period applicable to the appointment of the structural engineer for this assessment is approximately 10 working days from award.

4. DELIVERABLES AND PRICING

A report detailing the load bearing capacity of the building and whether additional load can be accommodated on the third floor, as well as recommendations on how to accommodate additional load. A high level costing associated with any recommendations.

A fixed price is required to render the above. Failure to price as required will result in the quotation being disqualified for non-compliance.

5. PROPOSAL CONTENT

The bidder's submission must provide the JDA with sufficient information to enable the employer to make a sound and fair evaluation of the proposal. It must clearly indicate the **relevant** previous experience, capability, and capacity of the bidding entity to undertake the project. The proposal should **use the same item numbers as below.**

The following minimum documentation must be provided :

- 6.1 **THE "OFFER" PAGE MUST BE COMPLETED IN FULL AND SIGNED. Any bidder who fails to do so will be disqualified.**
- 6.2 **Tenderers are required to submit a detailed fee proposals based on the requirements set out in item 4 above and to ensure that the final TOTAL FEE IS CORRECTLY TRANSFERRED TO THE "OFFER" PAGE. Any bidder who fails to do so will be disqualified.**

- 6.3 **A valid Tax Clearance Certificate. Any bidder who fails to do so will be disqualified.**
- 6.4 Company registration documents.
- 6.5 An original and valid BBBEE status level verification certificate or a certified copy thereof, substantiating the bidding entities BBBEE rating. Only certificates issued by verification agencies accredited by the South African Accreditation System (SANAS), or by registered auditors approved by the Independent Regulatory Board of Auditors (IRBA) will be accepted.
- 6.6 A certified copy of the bidder's Professional Indemnity Insurance certificate indicating the maximum value per claim in an insurance period, the applicable excess, and the expiry date. A minimum cover of R1m is required for this project.
- 6.7 A copy of the bidding entity's municipal rates account for the month of March 2013 in the name of the bidding entity or alternatively in the names of the directors / partners of the bidding entity. Copies of lease agreements or accounts from a lessor **will not be accepted.**
- 6.8 A statement from an independent auditor / accountant regarding the tenderer's financial standing to undertake this project **AND** audited financial statements for the past two years.
- 6.9 Details of directors / partners / members and shareholders.
- 6.10 Certificates of membership/s to industry bodies.
- 6.11 A corporate brochure. Alternatively a brief summary of the entity's background.
- 6.12 A schedule of completed contracts of a **similar** nature to this project. The following details **must** be included on the schedule :
- Description of the project
 - Service rendered
 - Name of employer / client and their representative's contact details
 - Cost of the works (project construction value)
 - Fee obtained for services
 - Date of completion
- 6.13 Provide information on the individuals who will be assigned to **this project (NOT the entire company)**. The following **must** be addressed :
- role/s and responsibility/ies on this project
 - relevant qualifications
 - number of years of relevant experience in the industry and in the proposed role
 - a percentage estimate of the time planned to be dedicated to this project by each person
 - detailed CV's for each member of the team noting their specific relevant project experience [project description, role and responsibilities, project value].
- 6.14 A detailed approach and methodology statement wherein the approach to be followed is clearly outlined. Bidders must also indicate what information will be required to undertake the assessment ie. as-built drawings, etc. This section should show the tenderer's understanding of the process and input required towards the completion of the required services.

6.15 A preliminary programme that identifies key elements and the anticipated duration.

~~6.16 A forecast of monthly expenditure for the duration of the project. The forecast must take cognisance of all the costs to be incurred on the project, including specialist investigations where required. Not applicable for this RFQ.~~

6.17 The forms A to E annexed, must be scrutinized, completed in full and submitted together with your quotation.

6.18 Tenderers are to submit 2 copies of their proposal (1 original plus 1 copy).

Failure to comply with the requirements in item 6 will result in tenderers been negatively scored for responsiveness or disqualified for non-compliance.

Note for consortium and joint ventures

- The items in item 6 above are to be addressed and completed by **EACH** member of the consortium or joint venture.
- An agreement between all parties of the consortium or joint venture is to accompany the tender submission.
- A lead consultant is to be appointed and noted in the submission.

Failure to comply with these conditions may invalidate your offer.

7. ASSESSMENT CRITERIA

Submissions will be evaluated on the criteria to follow :

- Technical
- Price / BBEE
- Risk Tolerance
- Interviews

7.1 Technical

The technical assessment is based on the criteria set-out below :

7.1.1 compliance: tenderers will be disqualified for failure to attach an original and valid tax clearance certificate, for failure to complete the OFFER page in full, and for failure to submit a price as requested (refer 6.1, 6.2, and 6.3 above).

7.1.2 responsiveness: tenderers will be assessed on the completeness and quality of the information requested in item 6 above (excluding points numbered 6.1, 6.2, and 6.3as these are assessed under 7.1.1 above).

7.1.3 capability: refers to the qualifications and previous relevant experience of the proposed team members (refer6.13 above). The information provided will be evaluated in the context of the requirements of the proposed project.

7.1.4 previous experience: refers to the bidder's past experience in delivering projects of a similar nature to the one being tendered for, in the timeline specified(refer 6.12 above). Other criteria that will be considered in this category are found in Annexure A items 2, 3, 4.

7.1.5 capacity: relates to the bidder's ability to deliver the project on time, within budget, and according to the required specification. Accordingly the bidder's current commitments (refer Annexure A item 9), availability of suitably qualified professionals to execute the works (refer 6.12 above and Annexure A items 6 and 7) will be considered, as well as the tenderers financial standing (refer 6.8 above and Annexure A item 8).

In addition, the technical appraisal will consider soundness of methodology to be employed in tackling scope of work (refer 6.13 and 6.14).

7.2 Price and Empowerment

Having completed a technical evaluation, the procedure for the evaluation of technically qualifying tenders is Method 2 (Price and Preferences). The Preference Point System assigns a score to each tenderer based on the tender price and on the tenderer's BBEE status. These scores are combined to determine an overall score for the tender. The tender with the highest score will be considered for acceptance.

The Preference Point System will be applied as follows :

- For tenders up to R1 million
 - 80 points are assigned to price
 - Up to 20 points are assigned to BBEE status per the table under item 7.2.1
- Points scored will be rounded off to the nearest 2 decimal places

7.2.1 Points awarded for BBEE status level

Points will be awarded for empowerment (BBEE), in accordance with the Preferential Procurement Regulations 2011 published in Government Gazette No. 34350 dated 8 June 2011. The table overleaf is applicable in this regard :

B-BBEE Status Level Of Contributor	Number of Points
	Tenders up to R1 million
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-Compliant contributor	0

Notes :

- 7.2.1.1 “B-BBEE status level of contributor” means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act (Act No.53 of 2003).
- 7.2.1.2 Tenderers must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating. Certificates issued by either verification agencies accredited by the South African Accreditation System (SANAS) or by registered auditors approved by the Independent Regulatory Board for Auditors (IRBA) are acceptable.
- 7.2.1.3 Bidders with annual total revenue of R5 million or less qualify as exempted and must submit a certificate ; issued by a registered auditor, accounting officer or an accredited verification agency.
- 7.2.1.4 The submission of such certificates must comply with the requirements of instructions and guidelines issued by the National Treasury and be in accordance with notices published by the Department of Trade and Industry in the Government Gazette.
- 7.2.1.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 7.2.1.6 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate tender.
- 7.2.1.7 A person will not be awarded points for B-BBEE status level if it is indicated in the tender documents that such a tenderer intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a tenderer qualifies for.
- 7.2.1.8 A person awarded a contract will not be permitted to sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned.

7.2.2 Formula for scoring tender price

The following formula will be used to calculate the points for price.

$$P_s = X \left[1 - \frac{(P_t - P_{min})}{P_{min}} \right]$$

Where

P_s = Points scored for comparative price of tender under consideration

P_t = Comparative price of tender under consideration

P_{min} = Comparative price of lowest acceptable tender

X = **Points** assigned to price

7.2.3 The total preference points for a tender are calculated with the formula

$$PP = P_s + P_{bee}$$

Where

PP is the total number of preference points scored by the tenderer
P_s is the points scored for the comparative price of the tenderer, and
P_{bee} is the number of points awarded to the tenderer based on his certified B-BBEE status level

7.3 Risk Tolerance

The JDA has adopted a Risk Tolerance Framework (RTF) which enjoins the JDA to consider its risk exposure to contractors/ service providers in terms of the number of contracts awarded to a single contractor/service provider in a particular year.

In terms of the Risk Tolerance Framework, the JDA determines the risk exposure as excessive in instances where the value of the contracts are:

1. The greater of R2 million or four contracts/ projects in the current financial year or
2. The greater of R3 million or six contracts/projects over two financial years (current year and previous financial year).

A risk analysis shall be undertaken on the bidder with the highest number of points obtained, to determine whether the tenderer does not exceed the JDA's risk framework criteria as stated above. In other words, whether it falls within the ambit of the Risk Tolerance Framework as acceptable.

JDA reserves the right to award a contract to a bidder who has exceeded the threshold as stated above.

7.4 Interviews

Shortlisted bidders **may be** requested to attend interviews and the outcome of the interviews **may** result in the scores being altered.

8. CLOSING DATE, TIME AND VENUE FOR SUBMISSIONS

The words :“**IOC/Structural Assessment**” must be written / typed clearly on the envelope.

The envelope must be deposited in the tender box at the **Johannesburg Development Agency, Ground Floor, The Bus Factory, 3 President Street, Newtown** only between the hours of 08H00 and 12H00.

The Tender closes at 12h00 on Wednesday 23rd April 2014.

Envelopes will be stamped on receipt. There will be a public opening of tenders.

NO LATE / TELEPHONIC / FAXED / POSTAL TENDERS WILL BE ACCEPTED OR CONSIDERED.

The Johannesburg Development Agency's selection of qualifying tenders shall be in the Johannesburg Development Agency's sole discretion and shall be final. The Johannesburg Development Agency does not bind itself to accept any particular tender and no correspondence will be entered into.

Unsuccessful bidders will have the opportunity to query the award or decision within 14 days from the day of notification.

Queries can be addressed in writing to:
Joy Jacobs:jjacobs@jda.org.za

To all our stakeholders

RE: The channels of reporting fraudulent and Corrupt Activities

The JDA has a **zero-tolerance approach to Fraud, Theft, Corruption, Maladministration, and Collusion** by suppliers with employees. To reinforce this commitment, we have added more channels to report any Fraudulent and Corrupt activities.

We encourage all people doing business with the Johannesburg Development Agency to report any corrupt or illegal practice.

Anyone can report fraudulent and corrupt activities through one of the following channels:

1. Free confidential Ethics Line: 0800 555 836 (24 hour, seven days a week)
2. E-Mail address: fraud@kpmg.co.za
3. Confidential fax line: 0800 200 796
4. Posted free-of-charge to : KPMG Hotpots, BNT371, P O Box 14671, Sinoville, 0129



Let's join hands to take up the Fight against Fraud and Corruption in our society.

ANNEXURE A :BUSINESS DECLARATION

Tender/RFP Number :

Tender/RFP Description :

Name of Company :

Contact Person :

Postal Address :

.....

Physical Address :

.....

Telephone Number :

Fax Number :

Cell Number :

E-mail Address :

Company/enterprise Income

Tax Reference Number :

(Insert personal income tax number if a one person business and personal income tax numbers of all partners if a partnership)

VAT Registration Number :

Company Registration Number :

1. Type of firm

- Partnership
- One person business/sole trader
- Close corporation

Public company

Private company

(Tick one box)

2. Principal business activities

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

3. Total number of years company has been in business:

4. Detail all trade associations/professional bodies in which you have membership

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

5. Did the firm exist under a previous name?

Yes

No

(Tick one box)

If yes, what was its previous name?

6. How many permanent staff members are employed by the firm:

Full Time :

Part Time :

7. In the case of a firm which renders services for different disciplines, how many permanent staff members are employed by the firm in the discipline for which you are tendering:

Full Time :

Part Time :

BANK :

BRANCH :

BRANCH CODE :

ACCOUNT NUMBER :

ACCOUNT HOLDER :

TYPE OF ACCOUNT :

CONTACT PERSON :

CONTACT NUMBER :

PLEASE INCLUDE AN ORIGINAL SIGNED AND STAMPED LETTER FROM THE BANK CONFIRMING THE COMPNAY'S BANKING DETAILS. NOTE THAT PHOTOSTAT COPIES AND LETTERS BEARING ELECTRONIC SIGNATURES WILL NOT BE ACCEPTABLE.

The undersigned, who warrants that he/she is duly authorised to do so on behalf of the company, affirms that the information furnished in response to this request for proposal is true and correct :

SIGNATURE :

NAME IN FULL :

CAPACITY :

DULY AUTHORIZED TO SIGN ON BEHALF OF:

DATE :

COMPANY STAMP

ANNEXURE B :DECLARATION OF INTEREST

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

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.

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

3.1 Full Name:

3.2 Identity Number:

3.3 Position occupied in the company (director, trustees, shareholder**)

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**

If yes, furnish particulars

.....

.....

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

If yes, furnish particulars

.....

.....

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**

If yes, furnish particulars

.....
.....

3.11 Are you, aware of any relationship (family, friend, other) between any other 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**

If yes, furnish particulars

.....
.....

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

If yes, furnish particulars

.....
.....

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

If yes, 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 businesses whether or not they are bidding for this contract? **YES / NO**

If yes, furnish particulars

.....
.....

** "Stakeholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

ANNEXURE C :DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities 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 rejected if that bidder, or any of its directors have:
 - a. abused the municipality's / municipal entity'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. willfully 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 Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's database 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>audialterampartem</i> rule was applied).	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 Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? (To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).	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 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"/>
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other 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 municipality / municipal entity 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 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

.....
Position

.....
Name of Bidder

.....
Date

ANNEXURE D :PARTICULARS OF CONTRACTS AWARDED BY AN ORGAN OF STATE*** DURING THE LAST 5 YEARS cont.

EMPLOYER	CONSULTING ENGINEER	NATURE OF WORK	VALUE OF WORK	YEAR COMPLETED

*** Organ of State means-

- ◆ a) a national or provincial department;
- ◆ b) a municipality;
- ◆ c) a constitutional institution defined in the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- ◆ d) Parliament;
- ◆ e) a provincial legislature;
- ◆ f) any other institution or category of institutions included in the definition of “organ of state” in section 239 of the Constitution and recognised by the [Minister](#) by notice in the *Government Gazette* as an institution or category of institutions to which [this Act](#) applies

.....
 Signature
 (of person authorised to sign on behalf of the organisation)

.....
 Position

.....
 Name of Bidder

.....
 Date

ANNEXURE E : CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

*Occupational Health and Safety services for
Phase 3 of the Westgate Station Precinct Upgrade Project*

in response to the invitation for the bid made by:

Johannesburg Development Agency

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
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 paragraph 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation);
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit a bid;

- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
 9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
 10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No. 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Position

.....
Name of Bidder

.....
Date