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**BID DOCUMENT FOR EXPRESSION OF INTEREST: ESTABLISHMENT OF  
A SAHPRA LICENCED EASTERN CAPE CANNABIS INCUBATOR IN THE  
ORT DISTRICT MUNICIPALITY**

**REFERENCE NO: EOI 03 – 2021/22**

**Issued by:**

ECRDA  
14 St Helena Road  
Infinity Place  
Beacon Bay  
**EAST LONDON**

**Name of Tenderer/Bidder:**

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**Total Bid Price:** \_\_\_\_\_

**Compulsory Briefing Session: No**

**Bid issue date: 15 OCTOBER 2021**

**Closing Date: 05 NOVEMBER 2021**

**Closing Time: 11h00**

## CONTENTS

DEFINITIONS.....	3
SECTION A.....	5
1. Background: Bid Process .....	5
1.1 Introduction.....	5
1.2 Bid Specific Conditions .....	5
1.3 Bid Enquiries.....	6
1.4 Important to Note .....	6
SECTION B.....	7
2. AUTHORITY TO SIGN.....	7
SECTION C.....	9
3. SCOPE OF SERVICES.....	9
SECTION D.....	11
4. EVALUATION PROCESS AND CRITERIA.....	11
SECTION E.....	11
5. Technical Information.....	12
5.1 Documentation to be submitted by interested Bidder - Specific .....	12
5.2 Contractual Requirements .....	12
5.3 Consideration of Bids.....	<b>Error! Bookmark not defined.</b>
SECTION F.....	13
Table 1: Compulsory returnable documents that must be submitted for Pre-qualification.....	13
SECTION G: STANDARD BIDDING DOCUMENTS .....	14
SECTION H.....	<b>Error! Bookmark not defined.</b>
GENERAL CONDITIONS OF CONTRACT .....	<b>Error! Bookmark not defined.</b>

## DEFINITIONS

In this bid, unless the context indicates otherwise, any word or expression to which the meaning has been assigned must bear the meaning so assigned-

- a) **“Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No.5 of 2000) unless the context indicates otherwise;
- b) **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- d) **“business day”** means an official working day of the week between and including Monday to Friday and which excludes public holidays and weekends;
- e) **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- f) **“consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- g) **“contract”** means the agreement that results from the acceptance of a tender by an organ of state;
- h) **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- i) **“firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- j) **“functionality”** means the measurement according to predetermined norms, as set out in the tender documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account among other factors, the quality, reliability, viability, and durability of a service and the technical capacity and ability of a tenderer;

- k) **“imported content”** means that portion of the tender price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad, plus freight and other direct importation costs, such as landing costs, dock dues, import duty, sales duty, or other similar tax or duty at the South African port of entry;
- l) **“local content”** means that portion of the tender price which is not included in the imported content, provided that local manufacture does take place;
- m) **“non-firm prices”** means all prices other than “firm” prices;
- n) **“Order”** means an official written order issued for the supply of goods or works or the procuring of a service;
- o) **“person”** includes a juristic person;
- p) **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry;
- q) **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;

## SECTION A

### **BID NOTICE FOR EXPRESSION OF INTEREST: ESTABLISHMENT OF A SAHPRA LICENCED EASTERN CAPE CANNABIS INCUBATOR IN THE ORT DISTRICT MUNICIPALITY.**

**REFERENCE NUMBER: EOI 03 – 2021/22**

#### **1. Background: Bid Process**

##### **1.1 Introduction**

The Eastern Cape Rural Development Agency (ECRDA) in partnership with the Eastern Cape Development Corporation (ECDC) hereby invites interested parties (individuals and entities) to submit expression of interest proposals to render technical advice to the Agencies in the development of the Cannabis industry in the Province.

##### **1.2 Bid Specific Conditions**

Bidders are required to properly complete the bid document, attach relevant information and adhere to the conditions as stipulated below.

###### **1.2.1 Returnable documents**

- a) Bidders must submit proof of registration on the National Central Supplier Database (CSD). In terms of National Treasury Instruction No. 4A of 2016/17 regarding the (CSD), all bidders must register on the CSD to provide the following information to be verified through the CSD:
  - (i) Business registration, including details of directorship and membership;
  - (ii) Bank Account holder information;
  - (iii) In the service of the State status;
  - (iv) Tax compliance status;
  - (v) Identity number;
  - (vi) Tender default and restriction status.
  
- b) The following Standard Bidding Documents (SBDs) must be completed in full and duly signed where relevant.
  - (i) Invitation to bid (SBD 1)
  - (ii) Authority of signature
  - (iii) Declaration of interest (SBD 4)
  - (iv) Declaration of bidders past SCM activities (SBD 8)
  - (v) Certificate of Independent bid determination (SBD 9)
  - (vi) General conditions of contract

### 1.2.2 Submission of Bid Documents

- a) The completed bid document must be submitted via email only to [tenders@ecrda.co.za](mailto:tenders@ecrda.co.za).
- b) All standard bidding documents, forms, annexures and addenda (where applicable) shall be completed in full and signed where required.
- c) Any expenses incurred by the bidder in the preparation and submission of tender will be solely for the bidder's account and ECRDA shall not be liable for such expenses in whatsoever manner.

### 1.2.3 Authority to sign

- a) Bidders must indicate the capacity under which the bid is signed by a delegated individual (e.g. director) and provide proof of authority (e.g. a resolution).
- b) The specimen of authority of signature/resolution has been attached in the bid document for both companies/close corporations/partnerships and sole proprietorship.

### 1.2.4 Trust/Consortium/Joint Ventures

- a) A trust/consortium/joint venture agreement must be formalized prior to submitting the bid.
- b) The trust/consortium/joint venture agreement must be submitted with the bid proposal bearing signatures of all the parties concerned and disclosing at a minimum the following key information:
  - Names of the parties to the agreement;
  - Management;
  - Percentage participation by each member;
  - Banking details
- c) A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE status level verification certificate for claiming preference points.

## 1.3 Bid Enquiries

### 1.3.1 Technical Enquiries should be directed to:

Ms N Mbandezi – Telephone: 047 531 2266/072 604 6709 or e-mail:

[mbandezin@ecrda.co.za](mailto:mbandezin@ecrda.co.za)

Mr N Heinemann – Telephone: 043 703 6300/ 0834159991 or email:

[heinemannn@ecrda.co.za](mailto:heinemannn@ecrda.co.za).

### 1.3.2 Administrative Enquiries should be directed to Mrs. M Esben -Telephone: 043 703 6300 or email: [esbenm@ecrda.co.za](mailto:esbenm@ecrda.co.za)

## 1.4 Important to Note

- 1.4.1 The ECRDA reserves the right not to appoint any bidder.

**SECTION B**

**2. AUTHORITY TO SIGN**

**ANNEXURE I (a)  
AUTHORITY TO SIGN**

Signatories for business entities shall confirm their authority thereto by attaching a duly signed and dated copy of the relevant resolution to this form.

An example is given below:

“By resolution passed at a meeting held on .....

Mr./Ms ....., whose signature appears below, has been duly authorized

to sign all documents in connection with the bid for **Contract NO .....** and any Contract that may

arise there from on behalf of (name of Bidder in block capitals)

.....

**SIGNED ON BEHALF OF THE COMPANY:** .....

**IN HIS/HER CAPACITY AS:** .....

**DATE:** .....

**SIGNATURE OF SIGNATORY:** .....

**WITNESSES:** 1. ....

2. ....

**ANNEXURE I (b)  
AUTHORITY TO SIGN**

**Sole Proprietorship Resolution of Authority**

I, ....., certify that I am the sole owner  
("Owner") of the business operating under the  
name.....  
("Business"), ID Number.....

I further certify that the Business is a sole proprietorship and that there is no one else having any right,  
title, or interest therein. I am the only person authorized to act in the name of or on behalf of the Business.  
I have no knowledge of any other business that is using, or being operated under, a name which could be  
considered confusingly similar to the name of this sole proprietorship. All deposits which are to be made  
into the account of the sole proprietorship will consist of funds to which I, the sole proprietor, am legally  
entitled.

**SIGNATURE OF THE SOLE PROPRIETOR:** .....

**DATE:** .....

**WITNESSES:** 1. ....

2. ....



## SECTION C

### 3. SCOPE OF SERVICES

#### Terms of Reference for Cannabis Technical Advisory Expert:

##### BACKGROUND

#### EXPRESSION OF INTEREST FOR THE ESTABLISHMENT OF A SAHPRA LICENCED EASTERN CAPE CANNABIS INCUBATOR IN THE ORT DISTRICT MUNICIPALITY

The ECRDA is a Provincial Public Entity as referred to in Schedule 3C of the PFMA and the ECDC is a Provincial Public Entity as referred to in Schedule 3D of the PFMA. The entities are established to ensure the implementation of a comprehensive integrated rural development strategy and to plan, finance, co-ordinate, market, promote and implement development of the Province and its people in the fields of industry, commerce, agriculture, transport and finance respectively.

The ECRDA has been mandated with the commercialisation of Cannabis in the Province. The establishment of a SAHPRA licenced cultivation site with GMP compliant processing capacity for the Region is an important element in driving market access.

The ECRDA and the ECDC are establishing a Cannabis Cultivation, Processing and Innovation Incubator in the Magwa-Majola development corridor situated at Magwa Tea Estate, in the ORT District municipality.

##### 1.1 OVERALL OBJECTIVE OF THE PROJECT

The overall objective is to assist the ECRDA, DRDAR and the ECDC to establish and operate a commercially viable fully licensed cannabis incubator in the ORT district municipality that will have the capacity to cultivate and process medical cannabis for export.

The facility will also serve as a research hub for local land race cannabis, provide access to training and capacity building and testing facilities for regional cannabis. It could also operate as a hub (SAHPRA dependent) for compliant community owned satellite cultivation.

##### 2. SPECIAL CONDITIONS

The service provider must have demonstrable experience in the South African medical cannabis environment that includes the following requirements:

1. Company profile with key staff and CV's and qualifications;
2. Proof of evidence of award of successful SAHPRA medical cannabis, cultivation, manufacturing, and processing operating licence with contactable references to the licenced producer;

3. Qualified registered pharmacist with proof of Bachelor of Pharmacy (BPharm) degree or higher as well as proof of registration with the South African Pharmacy Council (SACP) or other regulatory bodies;
4. Proposal for developing an inclusive small holder farmer cannabis cultivation incubator;
5. Letter of intention for cannabis flower and extracts potential offtake agreements;
6. Proof of evidence of export of cannabis to international markets; and
7. Detail of training experience, capacity building and skills transfer for all aspects of a cannabis cultivation and processing with reference letter.

Non-compliance to the above will result in disqualification of the bid proposal.

### **3. SCOPE OF WORK**

The purpose of this Expression of Interest (EOI) is to identify experienced and qualified service providers who can provide turnkey solutions for the development, operation and training of SAHPRA compliant medical cannabis cultivation and primary processing incubators in the Eastern Cape province with the option of being an equity partner.

Eligible service providers will be shortlisted as preferential suppliers based on the submission of a high-level proposal of a site design and outline of a bankable business plan for a medical cannabis cultivation and processing with the following key elements:

- a) Full compliance to SAHPRA guidelines for the cultivation of medical cannabis including development of a Site Master File, Standard Operating Procedures (SOP's), Good Agricultural Practice (GAP), Good Manufacturing Practice (GMP), license application and registration as a licensed cannabis cultivation and processing facility.
- b) Cultivation facilities geared towards export of medical cannabis complete with receiving, quarantine, harvesting, trimming, drying, packing and storage facilities.
- c) Development of Processing capacity to extract raw crude in the short term with an implementation plan to develop a suitable GMP extraction facility in the medium term
- d) Inhouse laboratory for testing and compliance with plans for medium term product development and verification
- e) Training and capacity building to establish the site, develop core staff skills and hand over operations
- f) Potential offtake agreements letters of intent and guaranteed routes to market
- g) A high business plan and financial model including operational expenditure requirements to profitability to be utilized to solicit funding.
- h) Demonstrated ability to raise capital to participate in the equity partnership option

### **4. DURATION OF THE PROJECT**

- The anticipated duration of the assignment will be maximum eighteen (18) months from the date of contract.

### **5. BRIEFING SESSION**

- There will be no briefing session for this bid.

## SECTION D

### **4. EVALUATION PROCESS AND CRITERIA**

Proposals will be evaluated in terms of the Preferential Procurement Policy Framework Act 2000 and the Preferential Procurement Regulation of 2017.

The evaluation of bid responses will be conducted in two (2) phases as follows:

#### **4.1 Phase 1: Eligibility/Pre-qualification criteria**

Bidders will be evaluated according to pre-qualification requirements which include the submission of mandatory information or documentation. Bidders that fail to meet the pre-qualification requirements of the bid will not be considered further.

The bidder must meet the following pre-qualification requirements:

- a) The potential supplier of the required services must be registered on the National Treasury supplier database at the time of submitting the proposal.
- b) Submission of the following Signed and Completed Standard Bid Documents (SBD) Forms:
  - SBD 1: Invitation to Bid
  - Authority to sign
  - SBD 4: Declaration of Interest
  - SBD 8: Declaration of Bidder's Past SCM Practices
  - SBD 9: Certificate of Independent Bid Determination

Failure to comply with the above pre-qualification requirements will lead to the disqualification of the bid.

#### **4.2 Phase 2: Technical Evaluation**

- 4.2.1 Bidders must submit all required information with the expression of interest proposal for appointment of a technical advisory expert to advise the Eastern Cape Cannabis Industry Development Project.

## SECTION E

### 5. Technical Information

#### 5.1 Documentation to be submitted by interested Bidder - Specific

5.1.1 Interested persons or entities (hereinafter referred to as Bidders) are required to respond to the specifications by submitting their detailed responses with supporting documentation as stipulated in this bid document. Incomplete and non-compliant responses will not be considered.

#### 5.2 Contractual Requirements

5.2.1 Bidders are invited to submit expression of interest proposals appointment of a technical advisory expert to advise the ECRDA on the Cannabis Industry Development Project.

5.3.1 There will be no compulsory briefing session for this bid.

5.3.2 Only bidders who have met the prequalification criteria and technical requirements following an assessment of the proposal submitted in response to this EOI will be considered further.

## SECTION F

Table 1: Compulsory returnable documents that must be submitted for Pre-qualification

Document that must be submitted	Non-submission will result in disqualification	
Invitation to Bid – SBD 1	Yes	Complete and sign the supplied pro forma document
Authority to sign	Yes	Complete and sign the supplied pro forma document/ Attach resolution
Declaration of Interest – SBD 4	Yes	Complete and sign the supplied pro forma document
Declaration of Bidder's Past Supply Chain Management Practices – SBD 8	Yes	Complete and sign the supplied pro forma document
Certificate of Independent Bid Determination – SBD 9	Yes	Complete and sign the supplied pro forma document
Special conditions as outlined in section C above	Yes	Submit required information/documents
High-level proposal with key elements as indicated in Section C above (Scope of work)	Yes	Submit required information/documents
Registration on Central Supplier Database (CSD)	No	The bidder must be registered as a service provider on the Central Supplier Database (CSD). If you are not registered proceed to complete the registration of your company prior to submitting your proposal. Visit <a href="https://secure.csd.gov.za/">https://secure.csd.gov.za/</a> to obtain your vendor number. Submit proof of registration.

**NB:** The ECRDA does not bind itself to the completeness of the checklist for pre-qualification and technical requirements. As such, it is incumbent on the bidders to ensure that compliance with all the bid requirements is adhered to. Bidders must ensure that the bid document is signed by a duly authorised representative and witness(es) where applicable.

## SECTION G: STANDARD BIDDING DOCUMENTS

## ANNEXURE III

INVITATION TO BID  
SBD 1

## PART A

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	EOI 03 – 2021/22	CLOSING DATE:	05 NOVEMBER 2021	CLOSING TIME:	11H00
DESCRIPTION	EXPRESSION OF INTEREST: ESTABLISHMENT OF A SAHpra LICENCED EASTERN CAPE CANNABIS INCUBATOR IN THE ORT DISTRICT MUNICIPALITY				
<b>BID RESPONSE DOCUMENTS MUST BE SUBMITTED VIA EMAIL TO:</b>					
<a href="mailto:tenders@ecrda.co.za">tenders@ecrda.co.za</a>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	Mrs M. Esben		CONTACT PERSON	Mr N Heinemann	
TELEPHONE NUMBER	043 703 6300		TELEPHONE NUMBER	043 703 6300/ 0834159991	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	<a href="mailto:esbenm@ecrda.co.za">esbenm@ecrda.co.za</a>		E-MAIL ADDRESS	<a href="mailto:simukondan@ecrda.co.za">simukondan@ecrda.co.za</a>	
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>					
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 A PERMANENT ESTABLISHMENT IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?

YES  NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

YES  NO

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

## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b></p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p> <p>1.4. <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b></p>
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p> <p>2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."</p>

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

SIGNATURE OF BIDDER: .....

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

**DATE:** .....



**ANNEXURE IV  
SBD 4  
DECLARATION OF INTEREST**

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
- The bidder is employed by the state; and/or
  - The legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

2.1	Full Name of bidder or his or her representative	
2.2	Identity Number	
2.3	Position occupied in the Company (director, trustee, shareholder <sup>2</sup> , member)	
2.4	Registration number of company, enterprise, close corporation, partnership agreement or trust	
2.5	Tax Reference Number	
2.6	VAT Registration Number	
2.7	The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below	

2.8.	Are you or any person connected with the bidder presently employed by the state?	YES / NO
2.8.1	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	
2.8.2	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
2.8.2.1	If yes, did you attach proof of such authority to the bid document? <u>(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.</u>	YES / NO
2.8.2.2	If no, furnish reasons for non-submission of such proof:	
2.8.3	Did you or your spouse, or any of the company's directors/trustees/ shareholders / members or their spouses conduct business with the state in the previous twelve months?	YES / NO
2.8.3.1	If so, furnish particulars	

2.8.4	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
2.8.4.1	<b>If so</b> , furnish particulars	
2.8.5	Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?	YES / NO
2.8.5.1	<b>If so</b> , furnish particulars	
2.8.6	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
2.8.6.1	<b>If so</b> , furnish particulars	

<sup>1</sup>“State” means –

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

<sup>2</sup>“Shareholder” means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

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

Full Name	Identity Number	Personal Income Tax Reference Number	State Number / Employee Pearsal 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 SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

**ANNEXURE V**

**DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES – SBD 8**

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
  - a. abused the institution's supply chain management system;
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

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

4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	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 <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

**CERTIFICATION**

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

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

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

.....

**Signature**

.....

**Position**

.....

**Date**

.....

**Name of Bidder**

**ANNEXURE VI**  
**CERTIFICATE OF INDEPENDENT BID DETERMINATION**  
**SBD 9**

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

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Institution)

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

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

- 6. I have read and I understand the contents of this Certificate;
- 7. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
- 8. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
- 9. 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;
- 10. 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

11. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However; communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
12. 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.
13. 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.
14. 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**

.....  
**Date**

.....  
**Position**

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

<sup>3</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.