



EXPRESSION OF INTEREST DOCUMENT: PRIVATE PARTNER TO BOLSTER CAPITAL
REQUIRED IN IMPLEMENTING THE MARINE TILAPIA INDUSTRY INCUBATOR
PROGRAMME FOR A PERIOD OF EIGHT (8) YEARS.

REFERENCE NO. EOI 04 – 2021/22

Issued by:

ECRDA
14 St Helena Road
Infinity Place
Beacon Bay
EAST LONDON

Name of Tenderer/Bidder:

Compulsory Briefing Session: No.

Bid issue date: 11 FEBRUARY 2022

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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

EXPRESSION OF INTEREST: PRIVATE PARTNER TO BOLSTER CAPITAL REQUIRED IN IMPLEMENTING THE MARINE TILAPIA INDUSTRY INCUBATOR PROGRAMME FOR A PERIOD OF EIGHT (8) YEARS.

REFERENCE NUMBER: EOI 04 – 2021/22

1. Background: Bid Process

1.1 Introduction

The ECRDA is a Provincial Public Entity as referred to in Schedule 3C of the PFMA. The entity was established following a decision by the Government of the Eastern Cape to consolidate and integrate the overlapping mandates of provincial entities on matters pertaining to Rural Development and Agrarian reform. The entity seeks to invite interested parties to submit expression of interest proposals for private partnership to bolster capital required in implementing the marine tilapia industry incubator programme for a period of eight (8) years.

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)

1.2.2 Submission of Bid Documents

- a) All standard bidding documents, forms, annexures and addenda (where applicable) shall be completed in full and signed where required.
- b) 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.
- c) The completed bid document must be submitted via email only to tenders@ecrda.co.za.
- d) All email submissions must be broken into size smaller than 30MB per email.
- e) All documents must preferably be sent in PDF (compressed if possible) format.
- f) Bidders are to note that bids must be received by ECRDA by the deadline. It is not sufficient to send it before the deadline.
- g) Bidders are therefore required to make sure that large emails, that may take long to be transported through email system, be sent well in advance of the required receipt deadline.
- h) Bidders MUST make use of the tender reference in their email subject lines.
- i) Bidders are recommended to make use of logical subject names for emails when submitting bids. IE. SCMU 03 TENDER - Legal Experts Submission – Part 1, SCMU 03 TENDER - Legal Experts Submission – Part 2, SCMU 03 TENDER - Legal Experts Submission – Part 3, etc.

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

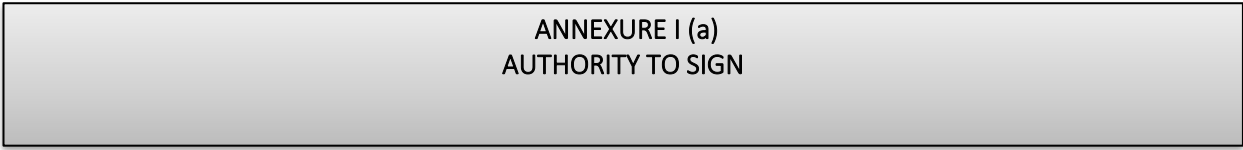
- 1.3.1 Technical Enquiries should be directed to Ms N Sopazi- Telephone: 043 703 6300 or email: sopazin@ecrda.co.za
- 1.3.2 Administrative Enquiries should be directed to Mrs. M Esben - email: esbenm@ecrda.co.za

1.4 Important to Note

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

SECTION B

2. AUTHORITY TO SIGN



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

3.1 Introduction and background

The ECRDA and Mbhashe Local Municipality have entered into an agreement to establish Mbhashe as a hub for a significant inclusive marine aquaculture industry to be developed over time. More specifically, the partners wish to set up what will be known as a MARINE TILAPIA INDUSTRY INCUBATOR (MTII), which will anchor the development of a series of Marine Tilapia aquaculture clusters and related value-chain activity along the coastline of the Eastern Cape stretching into KwaZulu-Natal.

The Eastern Cape Rural Development Agency (ECRDA) is the lead implementer of the Marine Tilapia Industry programme which has the support of local, provincial, and national government. National government have Gazetted it as a Strategic Infrastructure Project (SIP 23), the Eastern Cape (EC) government have included it in the EC Oceans Economy Master Plan. This initiative is one of the flagships of the Eastern Cape Provincial Oceans Economy Strategy.

The MTII has at its core the aquaculture of Mozambique tilapia in multi-cohort, sequential, marine, bio-floc systems. Extensive crop farming of mung and fava beans and sorghum cereal is conducted upstream of the fish farming to provide ingredients for fish feed. This is collected and stored in aggregator hubs from where it is used as the main ingredients in the manufacture of formulated fish feed, or directly for human consumption. The tilapia produced in the main culture systems and other aquatic organisms in the waste stream are either processed in processing facilities or sent to the feed production plant to be incorporated back into fish feed. Due to the low production cost of the aquaculture systems, the processing of the aquaculture products will be adapted to service a range of markets from the informal sector to high-end hospitality and exports.

The concept underpinning this initiative was originally sourced in the open market, and the private partner thereof is hereby put out on an open invitation for this advert. This is to satisfy the ECRDA and public sector institutional partners that we have exhaustively tested the market on a fair and competitive basis. The Supply shortfalls of affordable fish nationally are increasingly made up via imports of inferior grade Pangasius species (sold under trade names such as tra and basa) and to a lesser degree imported Chinese pond farmed tilapia.

National fish supply shortfalls are predicted to reach around 29,000 to 42,000 tonnes per annum in the early 2020's, while near-medium term Southern African regional Supply-Demand (S-D) shortfalls are anticipated to range from 250,000 to 322,000 tonnes per annum.

To date the successful species have been high valued which significantly limits market and even forces one to rely on volatile export markets. Thus, it is important when developing aquaculture in the EC to address constraints such as the cost of production and environmental sustainability. These issues are adequately addressed by the Marine Tilapia Industry concept where a cost of production of R 15/kg is targeted. This is a radical improvement on other marine fish species such as dusky kob where one is looking at a COP upwards of R 70/kg. Establishing a thriving aquaculture industry in the EC can only be achieved with Marine Tilapia.

We are looking for a private partner who will be the operator of this establishment and where we get into a lease agreement which will be a three (3) way arrangement between ECRDA, the Community represented by their traditional leaders and the private operator. It should be cleared by the private partner what the community will be gaining by allowing its land to be utilized for this venture

3.2 Objectives

The main object of the project under advertisement is to require a private partner to bolster the capital in necessitating the implement of the MTII programme. The successful private partner will be taken on board & a long-term commitment of at least 20 – 30 years lease agreement to make the returns possible and achievable from the market in paying back their loan invested in movable assets as well as Operating capital.

3.3 Detailed Scope

Tasks to be performed include but is not limited to:

Scope of Work & Deliverables

OUTPUT 1	Collection of 500 fish from each of 6 genetically assessed and desired wild populations.
OUTPUT 2	Successful quarantine of the wild fish, clear bill of health, and introduction into the genetic improvement programme.
OUTPUT 3	First full cohort of fingerlings produced for commercial stocking into the grow-out systems.
OUTPUT 4	First harvest of marine tilapia for selling.
OUTPUT 5	Start of Integrated Multi-Trophic Aquaculture (IMTA) systems.
OUTPUT 6	First batch of trainees graduated.
OUTPUT 7	Crop trials started.

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 three (3) 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 firm 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 private partnership to bolster capital required in implementing the marine tilapia industry incubator programme for a period of eight (8) years

FUNCTIONALITY CRITERIA

The following criteria will be used to evaluate all bids where bids must score a minimum of eighty percent (80%), being the stipulated minimum threshold for functionality criteria. Only qualifying bids meeting/exceeding the stipulated minimum threshold for the functionality criteria will be considered for further evaluation.

4.3 Expertise & Skills

The the private partner must attach their experience and systems approach on how will they shoulder the predominant proportion of the operational risk and ensuring sustainability of the MTII. The thriving important private partner will deploy a team that has expertise in the following critical areas and will be evaluated as follows:

Criteria	Guidelines for the application of criteria	Weighting
Demonstrate an understanding of <i>“the aquaculture of Mozambique tilapia in multi-cohort, sequential, marine, bio-floc systems”</i> . Supply evidence of operating similar systems. Ensure that the team to execute the operation of the MTII has the requisite skills to do so.	<p>A maximum two-page description of the system and species to be used in the aquaculture systems, including the IMTA. Larger documents will not be viewed favourably.</p> <p>References of where similar systems, including IMTA, were operated. Supplying information such as site coordinates, operation name, size, output, and evidence of continued success or substantiate why project has not succeeded.</p> <p>CVs of team members to be used for the aquaculture production side of the project. These must include a minimum of one of the following:</p> <ul style="list-style-type: none"> • Aquaculture production professional; • Aquatic animal health expert; • Geneticist; • Aquatic animal nutritionist; • Educator & HR manager; and • An appropriately skilled maintenance technician. 	10 points
Show that the private operator’s team has the ability to run a successful business of similar scale and complexity.	<p>A brief two-page document outlining the business governance principles that will be used to manage the private operator’s business. This must include but is not limited to:</p> <ul style="list-style-type: none"> • Accounting and payroll software, • Regulatory compliance, e.g. SARS & DFFE, • Marketing, and • Communications <p>CVs of team members who can fulfil the above functions must be supplied.</p>	10 points
Does the private operator have the project management skills to implement the project successfully?	<p>A brief one-page document outlining the project management principles and software that will be used to implement this project must be provided. These must be based on the Project Management Body of Knowledge (PMBOK).</p> <p>Supply at least one CV for the team member/s who will lead the project management for implementation.</p>	10 points
Does the bidder have the financial backing	Bank guarantees of own or loan financing to be supplied. These can be in the form of blended financing. A minimum of R 80	10 points

Criteria	Guidelines for the application of criteria	Weighting
to fund the required R 80 million?	million is required, but, due to the dynamic nature of this project, more funding may be required. Alternatively, provide a short strategy and commitment for working with the ECRDA to secure the required funding.	
If the bidder does not have its own finances to fund the operation, an outline of how funding will be achieved is required.	Provide a skeleton plan/strategy of how you would go about lobbying for the funding of the movable assets and OPEX to get the MTII to financial sustainability. This must be a one-page document.	10 points
The bidder must provide a skeleton structure of how they would see the relationship between the community, ECRDA, and themselves functioning.	A one-page high-level plan of how the private operator sees this relationship best formed. This must incorporate both the structure and shared philosophy of the relationship.	10 points
The private operator will rely on their own team to drive the project but will be required to employ community members for the operations. How will this be achieved?	A one-page high-level plan for training community members to become valuable assets in the operation of the MTII must be provided. Options must not be limited to aquaculture skills.	10 points
Proven Experience in Social Facilitation & community mobilization and stakeholder engagements.	Experience in working with the communities to be demonstrated/presented by pictures, attendance registers, and minutes.	10 points

Scoring of the above criteria:

Description	Score range
No documents supplied	0
Basic information supplied, lacking in originality, and missing some aspects.	1-3
All information supplied. Lacking in some understanding.	4-6
All information supplied. Good understanding of requirements. Innovative thinking will achieve higher ranking.	7-10

SECTION E

5. Technical Information

5.1 Documentation to be submitted by interested Bidder - Specific

5.1.1 Interested persons 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 Interested parties are invited to submit expression of interest proposals for private partnership to bolster capital required in implementing the marine tilapia industry incubator programme for a period of eight (8) years.

5.3 Consideration of Bids

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

5.3.2 Only persons/business entities 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
Details of experience & contactable references	Yes	Attach documents
Company Profile	Yes	Attach documents
Detailed CV and copies of academic qualifications	Yes	Attach documents
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
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 https://secure.csd.gov.za/ to obtain your vendor number. Submit proof of registration.

NB: Bidders must attach relevant information relating to experience and qualifications as outlined on section C (page 11) of the bid document.

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 interested parties to ensure that compliance with all the EOI requirements is adhered to.

SECTION G: STANDARD BIDDING DOCUMENTS

ANNEXURE II

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 04 – 2021/22	CLOSING DATE:	04 MARCH 2022	CLOSING TIME:	11H00
DESCRIPTION	EOI: PRIVATE PARTNER TO BOLSTER CAPITAL REQUIRED IN IMPLEMENTING THE MARINE TILAPIA INDUSTRY INCUBATOR PROGRAMME FOR A PERIOD OF EIGHT (8) YEARS.				
BID RESPONSE DOCUMENTS MUST BE SUBMITTED VIA EMAIL TO tenders@ecrda.co.za					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Mrs M. Esben		CONTACT PERSON	Ms N Sopazi	
TELEPHONE NUMBER	043 703 6300		TELEPHONE NUMBER	043 703 6300	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	esbenm@ecrda.co.za		E-MAIL ADDRESS	sopazin@ecrda.co.za	
SUPPLIER INFORMATION					
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	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
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]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE A BRANCH IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?

YES NO

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

YES NO

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

YES NO

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

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:
<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. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED—(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</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. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</p>
2. TAX COMPLIANCE REQUIREMENTS
<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 III
SBD 4
DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, 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 ² , 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	If so , 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	If so , 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	If so , furnish particulars	

¹“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.

²“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 Peral Number

4.

Declaration:

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

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

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

ANNEXURE IV

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>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.</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>The Register for Tender 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.</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 V

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Standard Bidding Document (SBD) must form part of all bids¹ 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).² 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:

¹ Includes price quotations, advertised competitive bids, limited 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.

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 consortium³ 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

³ 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.