**REQUEST FOR QUOTE (RFQ)**

**APPOINTMENT OF A PANEL OF TWO (2) SERVICE PROVIDERS TO PROVIDE GENERATOR MAINTENANCE AND SUPPORT AT FALE TOWER, FALE RADAR AND BLUFF RADAR SITES FOR A PERIOD OF 12 MONTHS AND ON AN AS AND WHEN REQUIRED BASIS**

|  |  |
| --- | --- |
| **Date:** | **26 September 2022** |
| **Department** | **FALE**  |
| **RFQ Number** | **ATNS/FALE/RFQ001/26/09/2022/23 Generators** |
| **Description of Goods/Service:** | Please see below on page 3 |
| **Closing Date and Time:** |  **05 October 2022 @ 13h00**  |
| **Expected delivery date** | **TBC to the appointed bidder.** |
| **Returnable Requirements:** | 1. B-BBEE Certificate
2. Tax Pin
3. CSD Report
4. Banking Details with bank stamp
5. ID copies of members/directors
6. CK Documents
7. Pricing Schedule/Quotation
8. Signed and completed SBD Forms
 |
| **Description** | **APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE GENERATOR MAINTENANCE AND SUPPORT AT FALE TOWER, FALE RADAR AND BLUFF RADAR SITES FOR A PERIOD OF 12 MONTHS AND ON AN AS AND WHEN REQUIRED BASIS** |
| **Quotation Delivery Address** | **Olwethuf@atns.co.za** |
| **Enquiries**  | **Procurement Specialist:** olwethuf@atns.co.za  |

|  |
| --- |
| **The ATNS requests your quotation on the goods and/or services listed hereunder and/or on the available RFQ forms. Please furnish all information as requested and return your quotation on the date stipulated. Late and incomplete / missing documentations will invalidate the quotation submitted. Suppliers which are not registered on the government central supplier database will not be considered. ATNS is not obliged to accept the lowest or any submission received. ATNS reserves the rights to accept the whole or any portion of a quotation.****This RFQ will be evaluated on the basis of the 80:20-point system as stipulated in the Preferential Procurement Policy Framework Act (Act number 5 of 2000) & the ATNS’ Procurement Policies and Procedures.** |

 **BIDDING STRUCTURE**

|  |
| --- |
| Indicate the type of Bidding/Biding Structure by marking with an ‘X’ |
| Individual Bidder  |  |
| Joint Venture  |  |
| Consortium  |  |
| With Sub-Contractors  |  |
| Other  |  |

|  |
| --- |
| If Individual:  |
| Name of Bidder  |  |
| Registration Number |  |
| VAT Registration Number |  |
| Contact Person  |  |
| Telephone Number  |  |
| Fax Number  |  |
| Cell Number(s) |  |
| E-mail Address  |  |
| Postal Address  |  |
| Physical Address  |  |

|  |
| --- |
| If Joint Venture or Consortium, indicate the name/s of the partners:  |
| Company Name  |  |
| Registration Number |  |
| VAT Registration Number |  |
| Contact Person  |  |
| Telephone Number  |  |
| E-mail Address  |  |
| Fax Number  |  |
| Postal Address  |  |
| Physical Address  |  |

|  |
| --- |
| **HAS AN VALID TAX CLEARANCE CERTIFICATE AND PIN BEEN SUBMITTED FOR CONSORTIUM, JOINT VENTURE AND/OR SUB CONTRACTORS** |
| **YES** | **NO** |
|  |  |

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| --- |
| **PLEASE INDICATE THE TYPE OF YOUR COMPANY E.G. PRIVATE COMPANY OR CLOSED CORPORATION OR OTHER** |
| Indicate the Type of Company |  |

**SIGNATURE OF BIDDER:**

………………………………………………………… DATE: ……………………

…………………………………………………………

CAPACITY UNDER WHICH THIS BID IS SIGNED:

1. **APPOINTMENT OF A PANEL OF TWO (2) SERVICE PROVIDERS TO PROVIDE GENERATOR MAINTENANCE AND SUPPORT AT FALE TOWER, FALE RADAR AND BLUFF RADAR SITES FOR A PERIOD OF 12 MONTHS AND ON AN AS AND WHEN REQUIRED BASIS**

1. **Role and Objectives of Service & Maintenance of generator units at King Shaka Control Tower and it’s remote sites**
* The Service & Maintenance of Generator units at out sites is to assist ATNS to accomplish its risk management objectives by insuring the effectiveness of its Generator service at ATNS FALE sites.
* The objective of this bid is to appoint a suitable Generator service provider that can provide assurance to ATNS Management in discharging its responsibilities regarding Generators at all sites mentioned below. The bidder must demonstrate the capability to perform effective service & maintenance of Generator units at out sites in accordance with all legal and statutory requirements.
1. **Scope****of Service & Maintenance of Diesel Generator units at our sites**
2. **The** **successful service provider will be required to perform the following services:**
* Development of the risk based five year rolling plan for Service & Maintenance of Generator units at the following sites. Maintenance of the Generator at the FALE tower, Bluff radar site and the FALE Radar site is 3 -Monthly or every 200 hours whichever comes first, as well as on ad-hoc basis for corrective and emergency repairs.

**ATNS FALE Equipment Summary**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Location** | **Make** | **Model** | **Rating** | **Fuel** | **Address\Co-ordinates** |
|  |  |  |  |  |  |
| KSIA Radar  | John Deere | FAD3C1-4 | 125kVA | Diesel | Tradezone, King Shaka International Airport,29°35'57.3"S 31°07'14.4"E |
| Bluff Radar  | Lovol  | PLO100AMF | 100kVA | Diesel | Gate1 SAPREF, 1 Refinery Drive, Isipingo29°58'52.1"S 30°57'57.9"E |
| Portable | Vanguard | - | 11HP | Petrol | ATC Control TowerKing Shaka Airport |
| ATC Control Tower | Portable Diesel bowser | 500LT capacity | N/A | Diesel | ATC Control TowerKing Shaka Airport |

NB: The ATNS FALE mobile generator may be serviced on an adhoc basis, and a quotation may be requested from the service provider.

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* 1. **Service includes but not limited to the following:**
* Replace Diesel Filter.
* Replace Oil Filter.
* Replace Water filter.
* Replace Oil
* Check Water level
* Check for oil leaks
* Check for water leaks
* Check Battery voltage
* Check battery charge current
* Change of Batteries should measurements be outside limits.
* Check output Freq.
* Check output voltage
* Check diesel day tank
* Check V-belt
* Check operating Temp.
* Check automatic change over
* Execution and maintenance of the Generator service plan;
* Attendance and reporting to the ATNS FALE Management on a six monthly for any significant findings identified during the service and maintenance tasks
* The performance of any other ADHOC requirement requested by management on quotation basis.
* Supply fuel for the generator as and when needed, on quotation basis.
* Provide callout and emergency support.

**All Generator service reports and working papers shall remain the property of ATNS.**

* 1. **Extent of Work**

In describing the understanding of work to be done, the potential service provider will:

* Explain their approaches to performing Generator system service, including audit methodology, nature, timing and extent of approaches to be followed;
* Demonstrate experience and expertise of Generator system service and compliance with applicable laws and regulations;
* Provide details of the core team;
* Maintain the core team throughout the duration of the contract.
* **The First stage**, bids will be evaluated first for **Pre-Qualification Criteria (Preferential Procurement Requirements)** prescribed in Preferential Procurement Regulations. Only bids that meet Preferential Procurement requirements will be considered for further evaluation.
* **Preferential Procurement Reform:**

**The Preferential Procurement Regulations, 2017 pertaining to the Preferential Procurement Policy Framework Act, Act No 5 of 2017.**

* Preferential Procurement in ATNS will be implemented in line with the PPPFA and its amended Regulations. Where feasible, pre-qualification criteria for preferential procurement or subcontracting will be set to advance certain designated groups which are EMEs or QSEs which are at least 51% black owned (in line with the PPPFA). Where not feasible to set preferential procurement as a pre-qualification criteria ATNS shall evaluate suppliers in accordance with the B-BBEE Codes of Good Practice.
* **The Second stage**, Bids will be evaluated for **Mandatory Technical Requirements.** During this stage, Tender response documentation will be evaluated against compliance to the Mandatory documents required. Failure to submit Mandatory documents will result in disqualification.

**MANDATORY REQUIREMENTS**

|  |  |
| --- | --- |
| **Mandatory Requirement** | **Proof Required** |
| * CIDB Grading
 | **2 EB** |
| Provide two (2) letters of proof of Previous Relevant experience (Servicing, maintenance, testing and installation of Generators) indicating the contract value and service rendered with contactable references. References must be in a form of a signed reference letters on a client’s business letterhead stating the scope and description of the services rendered, contract duration, with contact name, Contact number and position of the referee. Reference letters must not be older than 3 years by closing date of this RFQ.Please Note: Reference will be checked, to ensure that the project was performed at the agreedtime, quality and within budget. Failure to submit the above may result in reference | **YES** |
| One Qualified Trade Tested Diesel Mechanic with a minimum of 3 years’ experience as Diesel Mechanic. | **YES** |
| Provide a company profile indicating number of years in rendering Generators Maintenance Services in a public and /or corporate sector | **YES** |
| Suplier must have a footprint in Durban and must provide a Proof of lease agreement or utility bill | **YES** |

* **The Third stage**, bids will be evaluated in terms of the **80/20** **preference point systems.** Only bids that provide all documentation requested for **Technical Mandatory Requirements** will be evaluated in accordance with the **80/20** preference point system.

**COSTING TABLE**

**QUOTATIONS PROVIDED MUST HAVE THE FOLLOWING INFORMATION IN TABLE FORM BUT MUST USE THEIR COMPANY LETTERHEAD**

The pricing must be inclusive of VAT

|  |  |
| --- | --- |
| **Items**  | **Total Cost for the duration of the contract** **Service to be done 3 -Monthly or every 200 hours whichever comes first** |
| John Deere (KSIA Radar) Model- FAD3C1-4 Rating-125kVA Fuel-Diesel |  |
| **Lovol (**Bluff Radar) Model-PLO100AMF Rating-100kVA Fuel-Diesel |  |
| Vanguard (Portable) Model- Rating-11HP Fuel-Petrol |  |
| Portable Diesel bowser ( ATC Control Tower)500LT capacity |  |
| Labour Rate/Hour (Normal Hours) (R.) |  |
| Labour Rate/Hour (Afterhours) (R.) |  |
| Travel/Km (Rate) (R.) |  |
| Diesel Fuel Markup % |  |
| Bluff Radar Fuel transport cost  |  |
| FALE Radar Fuel transport cost |  |

**NB: The pricing schedule must be fully completed (100%) and submitted. Failure to comply with this instruction will result in the bid being disqualified.**

Stage 3- Price/B-BBEE Evaluation

* Tenderers will be evaluated in terms of the 80/20 preference point system, where a maximum of 80 points are allocated for price and a maximum of 20 points are allocated in respect of the level of B-BBEE contribution of the Tenderer.
* Points are allocated in terms of the BBBEE Codes of Good Practice guideline as indicated in the table below. Bidders must submit valid BBBEE Certificates which will be verified.
	+ - Quotations will be evaluated in terms of Preferential Procurement Policy Framework Act using the 80:20 points system. 80 points will be awarded for price and 20 points for BEE points claimed.

|  |  |
| --- | --- |
| **Points for price** | **80** |
| **Points for B-BBEE (Max of 20):** | 20 |
| **B-BBEE status Level of Contributor** | **Number of Points****(80/20 system)** |
| 1 | 20 |
| 2 | 18 |
| 3 | 14 |
| 4 | 12 |
| 5 | 8 |
| 6 | 6 |
| 7 | 4 |
| 8 | 2 |
| Non-Compliant contributor | 0 |

1. **SUBMISSION INSTRUCTIONS:**
	* 1. Potential service providers are requested to provide a quotation that addresses all the items listed in the specification section as stated above.
		2. Failing to comply with the instruction will lead to bids being disqualified.
		3. **Each quotation should also include the following information:**
2. The expiration date for the Quotation, if any.
3. Details of the contact person dealing with the quotation.
4. CSD Summary Report.
5. Black Economic Empowerment status of the service provider or legal identity of BEE partner as well as the physical and postal address of the BEE partner and capital structure.
	1. **SUBMISSION OF QUOTATION:**
		1. **The RFQ Documents shall be delivered to the below:**

**Olwethu Fakude**

**Procurement Specialist**

**olwethuf@atns.co.za**

**No later than 05 October 2022 @13h00**

**PART A**

**INVITATION TO BID**

|  |
| --- |
| **YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (***NAME OF DEPARTMENT/ PUBLIC ENTITY***)** |
| BID NUMBER: |  | CLOSING DATE: |  | CLOSING TIME: |  |
| DESCRIPTION |  |
| **BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT *(STREET ADDRESS)*** |
|  |
|  |
|  |
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| **BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO** | **TECHNICAL ENQUIRIES MAY BE DIRECTED TO:** |
| CONTACT PERSON |  | CONTACT PERSON |  |
| TELEPHONE NUMBER |  | TELEPHONE NUMBER |  |
| FACSIMILE NUMBER |  | FACSIMILE NUMBER |  |
| E-MAIL ADDRESS |  | E-MAIL ADDRESS |  |
| **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][ ]  Yes [ ]  No | B-BBEE STATUS LEVEL SWORN AFFIDAVIT  | [TICK APPLICABLE BOX][ ]  Yes [ ]  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]*** |
| * + - 1. *ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?*
 | [ ] Yes [ ] No [IF YES ENCLOSE PROOF] | * + - 1. *ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?*
 | [ ] Yes [ ] No[IF YES, ANSWER THE QUESTIONNAIRE BELOW ] |
| **QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS** |
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? [ ]  YES [ ]  NODOES THE ENTITY HAVE A BRANCH IN THE RSA? [ ]  YES [ ]  NODOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? [ ]  YES [ ]  NODOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? [ ]  YES [ ]  NOIS 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**

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| 1. **BID SUBMISSION:**
 |
| * 1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
	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.**
	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.
	4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**
 |
| 1. **TAX COMPLIANCE REQUIREMENTS**
 |
| 1. BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
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.
3. APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE [WWW.SARS.GOV.ZA](http://www.sars.gov.za).
4. BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
5. IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
6. WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
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.”
 |

**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: …………………………………………...

1. **PROTECTION OF PERSONAL INFORMATION**
	1. The Service Provider shall ensure that its employees, representatives and officers, comply with the provisions of the Protection of Personal Information Act, 2013 (“**POPIA**”) and all other applicable data protection laws and, without limitation to the aforegoing, shall ensure the security and confidentiality of all Personal Information processed by that Party is in accordance with POPIA and all other applicable data protection laws.
	2. The Service Provider must only process personal information of the Company and third parties on behalf of the Company, with the Company’s knowledge or authorisation, treat such information which comes to their knowledge as confidential and must not disclose it unless required by law or in the course of the proper performance of the Service Provider’s duties. The Service Provider must comply with the responsible party’s obligations in clause section 19 of POPIA.
	3. Where the Service Provider, its agents, subcontractors, officers, directors, shareholders, representatives, or employees has/have access to any Personal Information held by the Company for any reason in connection with this Agreement or is/are supplied with or otherwise provided with Personal Information by the Company or on behalf of the Company for any purpose, or are supplied with or otherwise provided with Personal Information relating to the Services, the Service Provider shall:
		1. process such Personal Information only for purposes of performing its/their obligations under this Agreement and shall not otherwise modify, amend or alter the contents of such Personal Information or disclose or permit the disclosure of such Personal Information to any third party, unless specifically authorised to do so by the Company or as required by law or any regulatory authority, and shall take all such steps as may be necessary to protect and safeguard such Personal Information;
		2. without prejudice to the generality of the foregoing, ensure that appropriate, reasonable technical and organisational measures shall be taken by it/them to prevent –
			1. the unauthorised or unlawful processing of such Personal Information; and
			2. the accidental loss or destruction of, or damage to, such Personal Information; and
			3. promptly notify the Company when it becomes aware of any unauthorised, unlawful or dishonest conduct or activities, or any breach of the terms of this Agreement relating to Personal Information.
	4. The Service Provider shall be liable for all claims, demands, actions, costs, expenses (including but not limited to reasonable legal costs and disbursements), fines, losses and damages arising from or incurred by reason of any wrongful processing of any Personal Information by the Service Provider (including its agents, subcontractors, officers, representatives or employees) for any breach of its obligations or warranties in terms of clause 14.9
	5. Both Parties will comply with their obligations under POPIA in relation to personal information for which they are the responsible party.
	6. The Service Provider must notify the Company immediately where there are reasonable grounds to believe that personal information has been accessed or acquired by any unauthorised person (Data Breach) and must assist the Company, at its own cost: a) with any investigation or notice to the Regulator or data subjects that the Company may make in relation to a Data Breach; and b) in responding to any directions by the Regulator to publicise the Data Breach, including assisting the Company to make public announcements if required.
	7. The Service Provider indemnifies the Company against any civil or criminal action or administrative fine or other penalty or loss as a result of the Service Provider’s breach of this clause.
2. **POPIA CONSENT**
	1. The Service Provider, by submitting its proposal/ quotation, consents to the use of his/her personal information contained therein and confirms that:
		1. The information is voluntarily supplied, without undue influence from any party; and
		2. The information is necessary for the purposes of the engagement with ATNS.
	2. The tenderer acknowledges that he /she is aware of his/her right to:
		1. Access the information at any reasonable time for the purposes of rectification thereof;
		2. Object to the processing of the information;
		3. Lodge a compliant with the Information Regulator.

**SBD 4**

**BIDDER’S DISCLOSURE**

1. **PURPOSE OF THE FORM**

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

1. **Bidder’s declaration**

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest[[1]](#footnote-1) in the enterprise,

 employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

|  |  |  |
| --- | --- | --- |
| **Full Name** | **Identity Number** | **Name of State institution** |
|  |  |  |
|  |  |  |
|  |  |  |
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2.2

Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

……………………………………………………………………………………

……………………………………………………………………………………

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

* + 1. If so, furnish particulars:

…………………………………………………………………………….

…………………………………………………………………………….

1. **DECLARATION**

I, the undersigned, (name)……………………………………………………………………. in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

3.1 I have read and I understand the contents of this disclosure;

3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

3.3 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[[2]](#footnote-2) will not be construed as collusive bidding.

3.4In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

3.4 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.

3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

* 1. 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

……………………………… ..……………………………………………

 Signature Date

……………………………… ………………………………………………

 Position Name of bidder

1. the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise. [↑](#footnote-ref-1)
2. 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. [↑](#footnote-ref-2)