

RFQ NUMBER	RFQ/MICT/117/2021
RFQ DESCRIPTION	APPOINTMENT OF SERVICE PROVIDER FOR PROVISION OF OCCUPATIONAL HEALTH AND SAFETY TRAINING TO MICT SETA
RFQ ISSUE DATE	18 February 2022
BRIEFING SESSION	N/A
CLOSING DATE & TIME	24 February 2022 @ 11:00 AM RFQ submitted after the stipulated closing date and time will not be considered.
LOCATION FOR SUBMISSIONS	rfqs@mict.org.za
NO: OF DOCUMENTS	1 HARD COPY

For queries please contact rfqs@mict.org.za **before the closing date of this RFQ.**

The MICT SETA requests your quotation on the services listed above. Please furnish us with all the information as requested and return your quotation on the date and time stipulated above. **Late and incomplete submissions will invalidate the quote submitted.**

SUPPLIER NAME: _____

NATIONAL TREASURY (CSD) SUPPLIER NUMBER: _____

POSTAL ADDRESS: _____

TELEPHONE NO: _____

E MAIL ADDRESS: _____

CONTACT PERSON: _____

CELL NO: _____

SIGNATURE OF BIDDER: _____

SUPPLIER REGISTRATION ON CSD

Prospective suppliers must register on the National Treasury Central Supplier database in terms of National Treasury circular no 4A of 2016/17. The bidder shall register prior submitting a proposal/bid.

RETURNABLE DOCUMENTS CHECKLIST

quotation invitation document must be completed, signed and submitted as a whole by the authorised Company representative. All forms must be properly completed, list below serve as a checklist of your RFQ submission.

(Tick in the relevant block below)

DESCRIPTION	YES	NO
CSD Central Supplier Database (CSD) Registration Report		
CIPC registration documents		
Pricing Schedule		
Valid Tax Clearance Certificate (S) and or proof of application endorsed by SARS / and or SARS issued verification pin		
Designated Sectors: Local production and content (Where applicable)		
SBD 4 - Declaration of interest		
SBD 8: Declaration of Bidder's Past Supply Chain Practices		
SBD9: Certificate of Independent Bid Determination		

Note: This RFQ must be completed and signed by the authorised company representative

MICT SETA –QUOTATION CONDITIONS

1. QUOTATION CONDITIONS

NOTE: Quotation for the supply of goods or services described in this document are invited in accordance with the provision of Government Procurement: General Conditions of Contract available for download from <http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/>

a. **MICT SETA** does not bind itself to accept the lowest or any RFQ, nor shall it be responsible for or pay any expenses or losses which may be incurred by the bidder in the preparation and delivery of the RFQ.

b. No RFQ shall be deemed to have been accepted unless and until a formal contract / letter of intent is prepared and executed.

1.1 **MICT SETA** reserves the right to:

- a. Not evaluate and award RFQ that do not comply strictly with the requirements of this RFQ.
- b. Make a selection solely on the information received in the RFQs and Enter into negotiations with any one or more of preferred bidder(s) based on the criteria specified in the evaluation of this RFQ.
- c. Contact any bidder during the evaluation process, in order to clarify any information, without informing any other bidders and no change in the content of the RFQ shall be sought, offered or permitted.
- d. Award a contract to one or more bidder(s).
- e. Withdraw the RFQ at any stage
- f. Accept a separate RFQ or any RFQ in part or full at its own discretion.
- g. Cancel this RFQ or any part thereof at any stage as prescribed in the PPPFA regulation.
- h. Select the bidder(s) for further negotiations on the basis of the greatest benefit to MICT SETA and not necessarily on the basis of the lowest costs

2. COST OF BIDDING

The bidder shall bear all costs and expenses associated with preparation and submission of its RFQ or RFQ, and the MICT SETA shall under no circumstances be responsible or liable for any such costs, regardless of, without limitation, the conduct or outcome of the bidding, evaluation, and selection processes.

DETAILED TECHNICAL SPECIFICATION

APPOINTMENT OF SERVICE PROVIDER FOR PROVISION OF OCCUPATIONAL HEALTH AND SAFETY (OHS) TRAINING

1. INTRODUCTION

Media, Information and Communication Technology Sector Education ("MICT SETA") is a statutory body established through the Skills Development Act of 1998 to enable its stakeholders to advance the national and global position of the Advertising, Electronic Media and Film, Electronics, Information Technology and Telecommunications sectors in the Large, Medium, Small levy paying and non-levy paying companies in the sector.

This was as a result of Government's commitment to promote active labour markets policies and is demonstrated in the Skills Development Act of 1998 and the Skills Development Levies Act of 1999. As guided by its mandate, MICT SETA is as such, an agent of transformation by promoting employment equity and B-BBEE through skills development. In this context, MICT SETA is keen to form sustainable partnerships that will further promote its support for transformation.

2. SCOPE OF WORK

MICT SETA requires to train nine (09) employees on the Occupational Health and Safety (OHS) Act and certify them as OHS Representatives, First Aiders and Fire Fighters. Areas of training and certification are as follows:

2.1 Occupational Health and Safety (OHS) Act and OHS Representatives (two days' maximum)

- The Occupational Health and Safety (OHS) Act, OHS Representatives, First Aiding and Fire Fighting training must all be facilitated by the same service provider to ensure that all attendees are trained using the same content and materials.
- The duration of the Occupational Health and Safety (OHS) Act and OHS Representatives must be at least two days' maximum.
- The service provider must include the Health and Safety representative course in the training so that upon completion of the training the nine (9) staff members will be certified Health and Safety Representatives.
- The training should be provided online
- The training must be for a maximum period of two days

The training must include but not limited to the following components as part of the course content:

Health & Safety Representatives Course	Applying Safety, Health and Environment principles and procedures
<ul style="list-style-type: none"> • Explaining and the understanding of the Occupational Health and Safety Act 85 of 1993. 	<ul style="list-style-type: none"> • Explaining and the understanding of the Occupational Health and Safety Act 85 of 1993.
<ul style="list-style-type: none"> • Understanding the various terminologies and definitions. 	<ul style="list-style-type: none"> • Understanding the various terminologies and definitions.
<ul style="list-style-type: none"> • Duties of the employers (Sec 8) and employees (Sec 14) of the OHS Act 85 of 1993. 	<ul style="list-style-type: none"> • Understanding the various terminologies and definitions.
<ul style="list-style-type: none"> • Safety Representatives (Sec 17) and their functions (Sec 18) of the OHS Act 85 of 1993. 	<ul style="list-style-type: none"> • Safety Representatives (Sec 17) and their functions (Sec 18) of the OHS Act 85 of 1993.
<ul style="list-style-type: none"> • Safety Committees (Sec 19) and their functions (Sec 20) of the OHS Act 85 of 1993. 	<ul style="list-style-type: none"> • Safety Committees (Sec 19) and their functions (Sec 20) of the OHS Act 85 of 1993.
<ul style="list-style-type: none"> • Identify Hazards, Effective workplace inspections 	<ul style="list-style-type: none"> • Effectively identifying hazards, unsafe acts and unsafe conditions
<ul style="list-style-type: none"> • Case Study and assessment 	<ul style="list-style-type: none"> • Effective HSE inspections at the workplace. • Variables that influence Occupational Health and Safety. • Effective Communication, Safety Principles & Practices. • Effective HSE committee meetings and minute taking. • Environmental Awareness, Case Study and assessment.

Each service provider must submit the following:

- Profile of Training Facilitator with a minimum of 3 years training facilitation experience in Occupational, Health and Safety Act.
- The service provider must attach Course outline and duration of the training
- Experience in training in the above and organisation safety representatives
- Training delegates must be certified upon completion of training.
- Quotations should be based on cost per attendee

- The service providers to submit a minimum of three reference letters in relation to training facilitation experience in Occupational, Health and Safety Act.
- The providers must indicate the duration of the training.
- All providers to submit a company profile together with experience, qualifications, and accreditations of personnel.
- Service Providers should be in a position to provide valid certificates of competency in Occupational, Health and Safety that are issued by a person or organization approved by the chief inspector for this purpose.
- Certificate must be valid for at least two to three years and recognised by the Department of Labour and the Health and Welfare Sector Education and Training Authority (HWSETA)

3.2 First Aid Levels 1, 2 and 3 for two (2) days maximum

The service provider must include the course outline for first aid levels 1, 2 and 3 so that upon completion of the training the nine (9) employees will be certified First Aiders. The chosen service provider must provide catering for the attendees for the duration of the training i.e., breakfast and lunch. The training must be for a maximum period of two. The first aid programmes must be aimed at members of the public and organizations complying with the Occupational Health and Safety Act (Act 85 of 1993) and must be combination course covering all three levels over a period of two days.

- During the course, participants must learn critical skills needed to attend to sick or injured persons until emergency medical services arrive to take over care and also learn how to manage bleeding, treat sprains and fractures, care for a person in shock as well as manage a patient who is choking or is in cardiac arrest.
- Use of an AED (automated external defibrillator) is included in the course. Participants of this course must receive a certificate which is valid for at least two to three years and recognised by the Department of Labour and the Health and Welfare Sector Education and Training Authority (HWSETA).
- The course must include both theory and practical to equip participants with both the knowledge and skill to perform lifesaving first aid. The training must include but not limited to the following components as part of the course content: First Aid Level 1 Courses content

First Aid Level 1 Courses content	First Aid Level 1 Courses content	First Aid Level 1 Courses content
Emergency Care	General Principals of First Aid.	General Principals of First Aid.
How to make an emergency call	Emergency Scene Management.	Emergency Scene Management.
Primary Surveys	Patient Assessment.	Patient Assessment.
Secondary Surveys	Cardiopulmonary Resuscitation.	Cardiopulmonary Resuscitation

Medical Emergencies	Choking, Shock, Injury Emergencies, Burns, Chest Injuries, Diabetes, Poisoning, Bites and stings	Choking, Shock, Dressing and Bandages, Injury Emergencies, Burns.
Injury Emergencies	Dressing, Bandages, HIV/Aids Basic Anatomy, Basic content of a First Aid Kit and Physiology.	Diabetes, Head and Spinal Injuries, Chest Injuries, Poisoning and Bites and stings.
Environmental Emergencies	Head and Spinal Injuries, Convulsions, Epilepsy, Environmental Emergencies and Transporting a patient.	Bites and stings, Environmental Emergencies, Water Emergencies, Emergency Childbirth, Convulsions and Epilepsy.
Cardio-Pulmonary Resuscitation	Eyes, ears and hand injuries.	Eyes, ears, and hand injuries, Transporting a patient, Basic Anatomy, HIV/Aids, and Physiology
First Aid Kit contents	Pelvic and abdominal injuries.	Pelvic and abdominal injuries.
How to treat a victim	Medical Emergencies.	Medical Emergencies and Basic content of a First Aid Kit.
Things to remember	Unconsciousness and Fainting.	Unconsciousness and Fainting.

3.3 Basic Fire Training (one-day maximum)

This must be a one (1) day instructor-led course, covering the basic fundamentals of Fire Fighting & Prevention.

- The purpose of this training intervention is to equip the participants with the relevant, basic information and skills to render immediate basic fire prevention and extinguishing techniques.
- Upon completion of this training participants must be able to demonstrate knowledge of working place fires, their probable causes, how to prevent them, how they are detected and how to apply emergency firefighting procedures.
- This training is designed for all employees responsible for workplace firefighting and appointed workplace firefighters, or persons who want to gain greater knowledge about workplace firefighting and basic fire prevention.
- It is useful to have a fire marshal complete this programme, as they act as the backup for the appointed workplace firefighter. Participants of this course must receive a certificate which is valid for at least two to three years and recognised by the Department of Labour and the Health and Welfare Sector Education and Training Authority (HWSETA).
- The training must include but not limited to the following components as part of the course content:

Basic Fire Fighting Course Content

- Fire Introduction
- Giving Warning of a Fire
- The Burning Process
- The Fire Tetrahedron
- Classes of Fire, PPE, Water, Foam
- Extinguishing Mediums and Extinguishers
- Carbon Dioxide, Dry Chemical Powder
- How Fire Spreads, Fire Prevention and Fire Hose Reels
- Fire Equipment Requirements and Fire Hose Reels
- Methods of Operation
- Operating Procedure
- Care and Maintenance of Fire Equipment
- Fire Buckets, Fire Blankets
- Lifting and Carrying Techniques and Getting Out Alive
- Fire Suppression with Hose and Hydrant Operations
- Types Of Fire Attacks and Emergency Plan Basics

PRICING SCHEDULE

Name of bidder _____

RFQ number: _____

Closing date _____

Bid shall remain valid for acceptance for a period of **60 days** counted from the closing date.

Item	Requirement Description	Quantity	Unit Price	Total Price (Exc VAT)
	APPOINTMENT OF SERVICE PROVIDER TO CONCEPTUALISE, DESIGN, LAYOUT, PRINT AND DELIVER STRATEGIC PLAN			
1.	Occupational Health and Safety Training (two day maximum)	9	R	R
2.	First Aid Training (two days maximum training)	9	R	R
3.	Basic Fire Training (one day maximum training)	9	R	R
				Sub-Total
				VAT@15%
				TOTAL PRICE (INCLUDING VAT)

Complete below:

1. Delivery Address:
2. Indicate Delivery period after order receipt.....
3. Is delivery period fixed? **Yes/No**
4. Is the price(s) fixed? **Yes/No**
5. Is the quote strictly to specification? **Yes/No**

I/We, the undersigned, agree that this bidding price shall remain binding on me/us and open for acceptance for the period stipulated above;

Authorised Company Representative:

Capacity under which this quote is signed.....

Signature:

Date:

EVALUATION CRITERIA

EVALUATION CRITERIA

RFQ's received will be evaluated against the following criteria:

1. PRE-QUALIFICATION CRITERIA (Regulation 4)-PPPFA

Bidder shall have a minimum B-BBEE status of level 2 or better. **Proof of compliance** Bidder must submit a valid proof of BBBEE status (BBBEE verification certificate issued by a SANAS accredited verification agency or CIPC B-BBEE certificate or B-BBEE affidavit duly sworn and commissioned).

Bidders please take note: The duly sworn and commissioned BBBEE affidavits must be based on the Audited Financial Statements/Financial Statements and other information available on the latest financial year- end DD/MM/YYYY. e.g 28 February 2021 for companies with financial year end of February. (Kindly contact the BBBEE commission or the DTI for more information with regards to latest financial year end).

2. MANDATORY CRITERIA

- a.) Bidder must have a minimum of 3 years training facilitation experience in Occupational, Health and Safety Act.

Proof of compliance

Bidders must submit CV/profile of training facilitator with a minimum of 3 years or more training facilitation experience in Occupational, Health and Safety Act.

- b.) Bidder must have conducted the training in the past.

Proof of Compliance

Bidder must submit a minimum of three **signed and date** reference letters in relation to training facilitation experience in Occupational, Health and Safety Act.

- c.) Bidder must submit course outline.

Proof of compliance

The service provider must attach a detailed course outline and duration of the training

Note: Bidders that do not meet the requirements of set pre-qualification and mandatory criteria will be eliminated from further evaluation process.

RFQ submission that meet the Pre- qualification and Mandatory criteria will be further evaluated on Price and B-BBEE according to the 80/20 preference point system in terms of the PPPFA Regulations 2017, where 80 points will be for Price and 20 points will be for BBBEE status level of contribution.

PREFERENCE POINT SYSTEM

PREFERENCE POINT SYSTEM

- a. The bidder obtaining the highest number of total points will be awarded the contract unless objective criteria justify the award to another bidder.
- b. In the event that two or more tenderers have scored equal total points, the successful tenderer must be the one that scored the highest points for B-BBEE.
- c. If two or more tenderers have equal points, including equal preference points for B-BBEE, the successful tenderer must be the one scoring the highest score for functionality, if functionality is part of the evaluation process.
- d. In the event that two or more tenderers are equal in all respects, the award must be decided by the drawing of lots

EVALAUTION ON 80/20 PREFERENCE POINT SYSTEM

- a. The bidder obtaining the highest number of total points will be awarded the contract unless objective criteria justify the award to another bidder
- b. Preference points shall be calculated after process has been brought to a comparative basis taking into account all factors of non-firm prices.
- c. In the event that two or more bids have scored equal pints, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- d. However, when functionality is part of the evaluation process and two or more bids have scored equal points for B-BBEE, the successful bid must be the one scoring the highest score for functionality
- e. Should two or more bids be equal in all respect, the award shall be decided by the drawing of lots.

POINTS AWARDED FOR PRICE

The **80/20** preference point system

A maximum of **80** points is allocated for price on the following basis:

$$P_s = 80 \left\{ 1 - \frac{(P_t - P_{\min})}{P_{\min}} \right\}$$

Where:

P_s	=	Points scored for comparative price of bid under Consideration
P_t	=	Comparative price of bid under consideration
P_{\min}	=	Comparative price of lowest acceptable bid

B-BBEE PREFERENTIAL POINTS WILL BE AWARDED AS FOLLOWS:

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

- a. Bidders who qualify as EME's and QSE's in terms of the B-BBEE Act must submit a Sworn affidavit. Misrepresentation of information, constitutes a criminal offence.
- b. Bidders other than EME's or QSE's must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by SANAS.
- c. A trust, consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- d. A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- e. Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- f. A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intend sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended Sub-contractor is an EME that has the capacity and the ability to execute the sub-contract.
- g. A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capacity and the ability to execute the sub-contract.

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 a price quotation, advertised competitive bid, limited bid or proposal). 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, shareholder²):.....

2.4 Company Registration Number:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

2.6.1 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.

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 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.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 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:

2.7.2 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**

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....

2.8 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**

2.8.1 If so, furnish particulars:

2.9 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**

2.9.1 if so, furnish particulars.

2.10 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**

2.10.1 If so, furnish particulars.

2.11 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**

2.11.1 If so, furnish particulars:
.....
.....
.....

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

Full name	Identity number	Personal tax reference number	State employee number / Persal 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 in terms of paragraph 23 of the general conditions of contract should this declaration prove to be false.

.....
Signature Date

.....
Position Name of bidder

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 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	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 Companies or person 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 <i>audi alteram partem</i> rule was applied. The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? 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.	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

Date

.....

.....

Position

Name of bidder

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. disregards 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 Bid, 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: **MICT SETA**

(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)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

7. 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.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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.**

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

Sworn Affidavit – B-BBEE Exempted Micro Enterprise

I, the undersigned,

Full name and Surname	
Identity number	

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.
2. I am a member / director / owner of the following enterprise and am duly authorised to act on its behalf:

Enterprise Name:	
Trading Name	
Registration Number:	
Enterprise Address:	
Entity Type (CC, (Pty) Ltd, etc.):	
Nature of Business:	
Definition of “Black People”	<p>As per the Broad-Based Black Economic Empowerment Act 53 of 2003 as Amended by Act No 46 of 2013 “Black People” is a generic term which means Africans, Coloureds and Indians –</p> <p>(a) who are citizens of the Republic of South Africa by birth or descent; or</p> <p>(b) who became citizens of the Republic of South Africa by naturalisation-</p> <ol style="list-style-type: none"> i. before 27 April 1994; or ii. on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date;”
Definition of “Black Designated Groups”	<p>“Black Designated Groups means:</p> <ol style="list-style-type: none"> (a) unemployed black people not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution; (b) Black people who are youth as defined in the National Youth Commission Act of 1996; (c) Black people who are persons with disabilities as defined in the Code of Good Practice on employment of people with disabilities issued under the Employment Equity Act; (d) Black people living in rural and under developed areas; (e) Black military veterans who qualifies to be called a military veteran in terms of the Military Veterans Act 18 of 2011;”

3. I hereby declare under Oath that:

- The Enterprise is ____% Black Owned using the flow-through principle as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- The Enterprise is ____% Black Female Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- The Enterprise is ____% Black Designated Group Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- Black Designated Group Owned % Breakdown as per the definition stated above:
 - Black Youth % = %
 - Black Disabled % = ____%
 - Black Unemployed % = ____%
 - Black People living in Rural areas % = ____%
 - Black Military Veterans % = ____%

- Based on the Audited Financial Statements/Financial Statements and other information available on the latest financial year-end of _____DD/MM/YYYY, the annual Total revenue did not exceed R10,000,000.00 (Ten Million Rands)
- Please Confirm on the below table the B-BBEE Level Contributor, **by ticking the applicable box.**

100% Black Owned	Level One (135% B-BBEE procurement recognition level)	
At least 51% Black Owned	Level Two (125% B-BBEE procurement recognition level)	
Less than 51% Black Owned	Level Four (100% B-BBEE procurement recognition level)	

4. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the owners of the enterprise which I represent in this matter
5. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

Deponent Signature:

Deponent Designation:.....

Date:

.....

Commissioner of Oaths
Signature & stamp

Date:.....

Sworn Affidavit – B-BBEE Qualifying Small Enterprise

I, the undersigned,

Full name and Surname	
Identity number	

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.
2. I am a member / director / owner of the following enterprise and am duly authorised to act on its behalf:

Enterprise Name:	
Trading Name	
Registration Number:	
Enterprise Address:	
Entity Type (CC, (Pty) Ltd, etc.):	
Nature of Business:	
Definition of "Black People"	<p>As per the Broad-Based Black Economic Empowerment Act 53 of 2003 as Amended by Act No 46 of 2013 "Black People" is a generic term which means Africans, Coloureds and Indians –</p> <p>(c) who are citizens of the Republic of South Africa by birth or descent; or</p> <p>(d) who became citizens of the Republic of South Africa by naturalisation-</p> <ol style="list-style-type: none"> i. before 27 April 1994; or ii. on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date;"
Definition of "Black Designated Groups"	<p>"Black Designated Groups means:</p> <ol style="list-style-type: none"> (f) unemployed black people not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution; (g) Black people who are youth as defined in the National Youth Commission Act of 1996; (h) Black people who are persons with disabilities as defined in the Code of Good Practice on employment of people with disabilities issued under the Employment Equity Act; (i) Black people living in rural and under developed areas; (j) Black military veterans who qualifies to be called a military veteran in terms of the Military Veterans Act 18 of 2011;"

3. I hereby declare under Oath that:

- The Enterprise is ____% Black Owned using the flow-through principle as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- The Enterprise is ____% Black Female Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- The Enterprise is ____% Black Designated Group Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- Black Designated Group Owned % Breakdown as per the definition stated above:
 - Black Youth % = %
 - Black Disabled % = ____%
 - Black Unemployed % = ____%
 - Black People living in Rural areas % = ____%
 - Black Military Veterans % = ____%

- Based on the Audited Financial Statements/ Financial Statements and other information available on the latest financial year-end of _____ DD/MM/YYYY, the annual Total Revenue did not exceed R50,000,000.00 (Fifty Million Rands).
- Please confirm on the table below the B-BBEE level contributor, **by ticking the applicable box.**

100% Black Owned	Level One (135% B-BBEE procurement recognition level)	
At Least 51% black owned	Level Two (125% B-BBEE procurement recognition level)	

4. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the owners of the enterprise which I represent in this matter
5. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

Deponent Signature:

Deponent Designation:.....

Date:

.....

**Commissioner of Oaths
Signature & stamp**

Date:.....