

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE MEDIA INFORMATION  
AND COMMUNICATIONS TECHNOLOGIES SECTOR EDUCATION AND TRAINING  
AUTHORITY**

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**REQUEST FOR BIDS REF: MICT/SETA/COSEC/01/2023**

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**REQUIREMENT DESCRIPTION:**

**APPOINTMENT OF A PANEL OF COMPANY SECRETARIAT SERVICES TO PROVIDE  
SECRETARIAL SUPPORT TO THE BOARD SECRETARIAT OFFICE (“BSO”) FOR A PERIOD  
OF THREE (3) YEARS**

**BID CLOSING DATE: 14 JUNE 2023 at 11:00 AM**

<b>Bid Reference Number</b>	<b>MICT/SETA/COSEC/01/2023</b>
<b>Supplier Briefing Session</b>	<u>No Briefing Session</u>
<b>Bid Closing date &amp; time</b>	<b>14 June 2023 @ 11:00 am South African Time.</b>  <i>*Note: A bid will not be considered if it arrives a second after 11:00 am or any time thereafter. Bidders are therefore strongly advised to ensure that bids are dispatched allowing enough time for any unforeseen events that may delay the delivery of the bid.</i>
<b>Instruction for submission of Bid</b>	<b>Bid must be received in a sealed envelope (1 hard copy and 1 USB) marked with this RFB reference number and deposited in a tender box at the location indicated hereunder.</b>
<b>Location for Bid submissions</b>	<b>MICT SETA Head Office: Reception 19 Richards Drive, Gallagher Convention Centre West Wing, level 3 Midrand</b>
<b>Bid Validity Period</b>	<b>Bids received shall remain valid for acceptance for a period of 120 counted from the closing date of the bid.</b>

#### CLARIFICATION AND COMMUNICATION

- All enquiries relating to this bid must be addressed in writing to [bidqueries@mict.org.za](mailto:bidqueries@mict.org.za) five days **before the closing date and time**. Queries received after this period will not be entertained.
- The bid reference number must be mentioned in all correspondences.

**Note:** Bidders are advised that a response will be disqualified should any attempt be made by a bidder either directly or indirectly to canvass any officer(s) or employees of **MICT- SETA** in respect of the RFB, between the closing and award date of the business.

#### 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.



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## RETURNABLE DOCUMENTS CHECKLIST

**Bid 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 RFB submission.

(Tick in the relevant block below)

DESCRIPTION	YES	NO
<b>CSD</b> Central Supplier Database (CSD) Registration Report		
<b>SBD 1</b> - Fully completed with required proof <b>(Where applicable)</b>		
Valid Tax Clearance Certificate (S) and or proof of application endorsed by <b>SARS</b> / and or <b>SARS</b> issued verification pin		
<b>SBD 4 - Declaration of interest</b>		
Copy of joint venture/ consortium or sub-contracting agreement duly signed by all parties. <b>(Where applicable)</b>		
Financial Statements for 2022/2022 FY of the bidder		

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

**SBD 1: PART A: INVITATION TO BID**

<b>SUPPLIER INFORMATION</b>			
NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE	NUMBER	
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE	NUMBER	
E-MAIL ADDRESS			
COMPANY REGISTRATION NUMBER			
DATE OF REGISTRATION			
VAT REGISTRATION NUMBER			
TCS PIN:		<b>OR</b>	CSD No:
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)	
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)	
	<input type="checkbox"/>	A REGISTERED AUDITOR NAME:	
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No <b>[IF YES ENCLOSE PROOF]</b>	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No <b>[IF YES ANSWER PART B:3 BELOW]</b>
SIGNATURE OF BIDDER	.....	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.			
TOTAL NUMBER OF ITEMS OFFERED	Refer to pricing schedule/costing	TOTAL BID PRICE (ALL INCLUSIVE)	Refer to pricing schedule/costing

**PART B: TERMS AND CONDITIONS FOR BIDDING**

**BID SUBMISSION:**

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR ONLINE
- 1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES).
- 1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION.
- 1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

**TAX COMPLIANCE REQUIREMENTS:**

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

- 3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES  NO
- 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?  YES  NO
- 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  YES  NO
- 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO

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

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



**BIDDING STRUCTURE**

**Bidding structure**

Indicate the type of bidding structure by marking with an 'X':

Individual bidder	
Joint Venture	
Consortium	
Subcontractors	
Other	

If the bid is submitted as a Consortium or Joint Venture or Sub Contracting Arrangement list the members of such Consortium or Joint Venture and Sub Contractors below:

**Bidder's Information (includes bids submitted Individual or as a Consortium or Joint Venture)**

<b>Supplier size type (Large or QSE or EME)</b>	
<b>First time business with MICT SETA (Yes/No)</b>	
<b>Number of existing running contracts and total value</b>	
<b>Total number of Employees</b>	

**Entity ownership**

<b>Ownership category</b>	<b>% of ownership</b>
Black or historically disadvantage individual owned	
Black women owned	
Black youth owned	
People living with disability	
Military veteran	
Other ownership	
<b>Total (100%)</b>	

## MICT SETA - BID CONDITIONS

### 1. BID CONDITIONS

NOTE: Bids 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 RFB, 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 RFB.
- b. No RFB 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 RFB that do not comply strictly with the requirements of this RFB.
- b. Make a selection solely on the information received in the RFBs and Enter into negotiations with any one or more of preferred bidder(s) based on the criteria specified in the evaluation of this RFB.
- 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 RFB shall be sought, offered or permitted.
- d. Award a contract to one or more bidder(s).
- e. Withdraw the RFB at any stage
- f. Accept a separate RFB or any RFB in part or full at its own discretion.
- g. Cancel this RFB 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 RFB or RFB, 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 process.



## **TERMS OF REFERENCE**

### **APPOINTMENT OF A PANEL OF COMPANY SECRETARIAT SERVICES TO PROVIDE SECRETARIAT SUPPORT TO THE BOARD SECRETARIAT OFFICE ("BSO") FOR A PERIOD OF THREE (3) YEARS**

## **1. INTRODUCTION**

The Media, Information and Communication Technologies Sector Education and Training Authority (MICT SETA) is a public entity established in terms of Section 9(1) of the Skills Development Act (Act No. 97 of 1998). The MICT SETA plays a pivotal role in achieving South Africa's skills development and economic growth within the 5 distinct sub-sectors it operates in, i.e., Advertising, Film and Electronic Media, Electronics, Information Technology, and Telecommunications.

## **2. SCOPE OF WORK**

### **2.1. Secretarial support**

- 2.1.1. Ensure that the Board and Committees are properly constituted.
- 2.1.2. Conduct induction and identify relevant training and arrange training for the Board and its Committees.
- 2.1.3. Develop a Corporate Calendar in line with legislated reporting deadlines.
- 2.1.4. Ensure meetings are scheduled and held in accordance with the Corporate Calendar.
- 2.1.5. Prepare agenda and meeting packs for meetings.
- 2.1.6. Attend meetings and ensure all meetings have a quorum, members declare their interest (based on agenda), and high-level minute-taking for the Board and Governance Committees, which includes but is not limited to the Board and Board Committees as well as any other governance structures which may be established by the Accounting Authority in terms of its delegated powers to ensure the successful operation of the MICT SETA.
- 2.1.7. Circulate meeting resolutions and action items within stipulated timeframes.
- 2.1.8. Follow-up on completion of action items.
- 2.1.9. Ensure that Board members are remunerated, and payments are processed timeously.
- 2.1.10. Make logistical arrangements for meetings, which includes scheduling of meetings, booking venues and making travel arrangements; and
- 2.1.11. Serve as an internal liaison between the Board and Management.

### **2.2. Governance and compliance services**

- 2.2.1. Ensure the Board has full compliments of members.
- 2.2.2. Provide the directors of the company collectively and individually with guidance as to their duties, responsibilities, and powers.
- 2.2.3. Manage and oversee compliance with corporate governance requirements.
- 2.2.4. Ensure that Terms of References are reviewed and updated annually.
- 2.2.5. Review and/or develop Board and Committees' Annual Work Plans.
- 2.2.6. Facilitate Board and committee evaluations and ensure implementation of the action plans arising from the evaluation report (s).
- 2.2.7. Ensure members declare their interests (annual declarations) and keep a register of such interests.
- 2.2.8. Ensure members are constantly updated with relevant corporate governance prescripts which include but are not limited to legislation, regulations and best governance practices.
- 2.2.9. Advise members on corporate governance imperatives and compliance requirements and provide on-demand legal advice.
- 2.2.10. Manage the Board's stakeholders; and

2.2.11. Ensure quarterly compliance reports are submitted to the Executive Authority and National Treasury.

### **2.3. Legal advisory services**

2.3.1. Provide legal advice to the Board and its committees as and when required.

### **3.4. Technical/ Behavioural Competencies required.**

- 3.4.1. In-depth knowledge of corporate governance issues, corporate law, and compliance monitoring.
- 3.4.2. A sound knowledge of Company Secretarial practices and the administrative requirements imposed by corporate legislation.
- 3.4.3. Ability to conduct reviews of the regulatory framework and to conduct research.
- 3.4.4. Ability to liaise effectively at a high level.
- 3.4.5. Strong communication skills (written and verbal).
- 3.4.6. Attention to detail [accuracy is paramount].
- 3.4.7. Ability to work under pressure and meet tight deadlines.
- 3.4.8. Ability to cope with new business demands and adhere to outlined turnaround times.
- 3.4.9. Ability to work independently, without guidance and in a team.
- 3.4.10. Ability to maintain confidential information.

### **3. DURATION AND PANEL OPERATION**

- 3.1. Successful Bidders will be appointed to be part of the panel of Board Secretariats to MICT SETA for a period of three (3) years.
- 3.2. Bidders who qualify to be on the panel may be invited to submit quotations for available projects/services as and when required depending on project and budget availability.
- 3.3. Only bidders who qualify to be on the panel will be invited to compete for allocated projects or services during the contract period.

## BID EVALUATION CRITERIA

Bids received will be evaluated on the following:

### Phase 1: Functionality Criteria

#### Functional/ Technical criteria

Bids submitted will be evaluated on technical functionality out of a maximum of **100 points**. A threshold of **70 points** out of **100 points** has been set.

Only bidders that have met or exceeded the qualification threshold on technical functionality of **70 points** will form part of the panel.

**Note:** All bidders achieving less than the set threshold of **70 points** will be declared non-responsive. Assessment of evaluation of the functional/ technical criteria will be based on the table below:

FUNCTIONAL CRITERIA WEIGHING		
Category	Description	Maximum Points
<b>Qualification of Team Lead.</b>	<p>The bidder's team leader must have a Bachelor of Laws (LLB) degree and or NQF Level 8 - CGISA Professional Post-Graduate Qualification: Company Secretarial and Governance (CGISA Board Level)</p> <p>The bidder must submit certified copies of qualifications (<b>certified copies of qualifications must be dated and not be older than 3 months</b>).</p> <p><b>Points will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>▪ Bidder submitted an LLB and or CGISA NQF level 8 qualification = <b>15 Points</b></li> <li>▪ Bidder did not submit an LLB and or CGISA NQF level 8 qualification = <b>0 Points</b></li> </ul>	<b>15</b>
<b>Board Secretariat Experience of Team Lead</b>	<p>The bidder must demonstrate five (05) years or more experience and a track record of the team lead in the following aspects:</p> <ul style="list-style-type: none"> <li>• Board Management</li> <li>• High-level minute taking skills at the Board level.</li> <li>• Strategic meeting management,</li> <li>• Knowledge and understanding related to the field (legislation regulating SETAs, corporate governance, King IV, PFMA, Treasury regulations, Companies Act etc.)</li> </ul> <p><b>Points for demonstrating experience in the above aspects will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>▪ Team Lead has 5 or more experience in all aspects = <b>10 Points</b></li> <li>▪ Team lead has less than 5 years' experience or experience does not cover all aspects listed = <b>0 points</b></li> </ul>	<b>15</b>
<b>Affiliation of the Team Lead</b>	<p>The bidder must provide a certified copy of admission as an attorney/advocate certificate and or CGISA associate membership.</p> <p><b>(Certified copies of qualifications must be dated and not be older than 3 months).</b></p> <p><b>Points will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>▪ Bidder submitted a certified copy of attorney admission certificate and or CGISA associate membership = <b>5 Points</b></li> </ul>	<b>5</b>

	<ul style="list-style-type: none"> <li>▪ Bidder did not submit a certified copy of attorney admission certificate and or CGISA associate membership = <b>0 Points</b></li> </ul>	
<b>Post Admission Experience of the Team Lead</b>	<p>The bidder's team lead must have at least 5 years of post-admission experience as an attorney/Advocate/ CGISA Associate membership.</p> <p>Bidder to provide a CV detailing the post-admission experience as an attorney/advocate/ or CGISA Associate membership.</p> <p><b>Points will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>▪ Bidder's team lead has 5 years or more post-admission experience as an attorney/advocate/CGISA Associate membership. = <b>10 Points</b></li> <li>▪ Bidder's team lead has 3 years or more post-admission experience as an attorney/advocate/ or CGISA membership. = <b>05 Points</b></li> <li>▪ Bidder's team lead has less than 3 years or no post-admission experience as an attorney/advocate/ or CGISA membership. = <b>0 Points</b></li> </ul> <p><b>Non-compliance with the minimum requirement = 0 points</b></p>	<b>10</b>
<b>Qualifications of the Project Team</b>	<p>The bidder's project team member(s) must have a BCOM/BA law qualification (3 years) and or a CGISA NQF level 7 qualification.</p> <p>The bidder must submit certified copies of qualifications (<b>certified copies of qualifications must be dated and not be older than 3 months</b>).</p> <p><b>Points will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>▪ Bidder submitted project team member(s) BCOM/BA law qualification and or a CGISA NQF level 7 qualification = <b>10 Points</b></li> <li>▪ Bidder did not submit project team member(s) BCOM/BA law qualification and or a CGISA NQF level 7 qualification = <b>0 Points</b></li> </ul>	<b>10</b>
<b>Experience of the Project Team</b>	<p>The bidder's project team member(s) must demonstrate three (03) years or more experience and track record in the following aspects:</p> <ul style="list-style-type: none"> <li>• Board Management</li> <li>• High-level minute taking skills at Board level.</li> <li>• Strategic meeting management,</li> <li>• Knowledge and understanding related to the field (legislation regulating SETAs, corporate governance, King IV, PFMA, Treasury regulations, Companies Act etc.)</li> </ul> <p>The bidder must submit CV(s) of the team member(s) demonstrating the experience related to the above aspects.</p> <p><b>Points for demonstrating experience in the above aspects will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>▪ Submitted CV of team member(s) with 3 years or more experience in all aspects = <b>10 Points</b></li> <li>▪ Submitted CV of team member(s) with less than 3 years' experience or experience does not cover all aspects listed = <b>0 points</b></li> </ul>	<b>10</b>
<b>Reference Letters</b>	<p>The bidder must submit a minimum of three (03) reference letters preferably in the public sector or listed companies, for provision of board secretariat services. The company secretarial services must have been rendered <b>in the past 5 years</b>.</p> <p>Reference letters must be from different clients (<b>not from the same group of companies</b>), <b>on the client letterhead, dated and signed</b>.</p> <p><b>Points will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>▪ Bidder submitted 3 reference letters on the client's letterheads, from different clients, signed and dated = <b>15 Points</b></li> </ul>	<b>15</b>

	<ul style="list-style-type: none"> <li>▪ Bidder submitted 2 reference letters on the client's letterheads, from different clients, signed and dated = <b>10 Points</b></li> <li>▪ Bidder submitted less than 2 reference letters or reference letters are not signed or dated or not on the client's letterhead = <b>5 Points</b></li> <li>▪ Bidder submitted no reference letters or reference letters are on the signed or dated or not on the client's letterhead = <b>0 Points</b></li> </ul>	
<b>Work Plan Schedule &amp; Timelines</b>	<p>The bidder must provide (a) a detailed work plan schedule and (b) clear turnaround times of 1-5 days for preparing minutes after the meetings.</p> <p><b>Detailed Work Plan (15 Points)</b></p> <p>The bidder to provide detailed workplan that includes the following aspects:</p> <ul style="list-style-type: none"> <li>• Resources and responsibilities in managing work plan schedule.</li> <li>• Risk mitigation and Management</li> <li>• Record Keeping</li> <li>• Security of Information</li> </ul> <p><b>Points will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>▪ Bidder submitted a detailed work plan schedule that includes all 4 aspects = <b>15 Points</b></li> <li>▪ Bidder submitted work plan schedule that includes 3 of the above aspects = <b>10 Points</b></li> <li>▪ Bidder submitted work plan schedule that includes of the above aspects = <b>05 Points</b></li> <li>▪ Bidder submitted work plan schedule but lacked detail = <b>03 Points</b></li> <li>▪ No work plan schedule submitted = <b>0 Points</b></li> </ul> <p><b>Timelines (05 Points)</b></p> <p>The Bidder must provide clear timeframes/turnaround times for submission of minutes post-meeting.</p> <p><b>Points will be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>▪ Bidder submitted clear turnaround times of 3 days or less = <b>5 Points</b></li> <li>▪ Bidder submitted clear turnaround times of 5 days = <b>03 Points</b></li> <li>▪ Bidder submitted clear turnaround times of more than 5 days = <b>0 Points</b></li> </ul>	<b>20</b>
<b>Total</b>		<b>100</b>

## BIDDER'S DICLOSURE

### 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.

### 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> 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

1.2 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:

.....  
 .....

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<sup>1</sup> 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.

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**

2.3.1 If so, furnish particulars:

.....  
.....

### 3 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<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In 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.
- 3.6 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.

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<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.



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