


RFI NUMBER:	 RFI 004/2021
DESCRIPTION:	Request for Information:
CLOSING DATE:	29 November 2021
CLOSING TIME:	<p>Bidders that wish to submit a tender response must send an email to davidn2@dbsa.org indicating their participation;</p> <p>b) This must be done three (3) working days before submission date;</p> <p>c) Bidders will thereafter receive a OneDrive Link to submit tender documents electronically.</p> <p>d) Closing time for the OneDrive Link submissions – 07 June 2021 AT 23h55 (Telkom Time).</p>
RFI RESPONSES MUST BE HAND DELIVERED / COURIERED TO:	NO HAND DELIVERY OF PROPOSALS
ATTENTION:	David Nyaku
NB: Bidders must ensure that they sign the register at the reception when delivering their bids	
BIDDER NAME: <div style="border: 1px solid black; height: 150px; width: 100%; margin-top: 10px;"></div>	

1. ENQUIRIES

- Enquiries regarding this Request for Information should be hand delivered to the DBSA offices.

Bid enquiries:

SCM and Technical Queries	Davidn2@dbsa.org and tenders@dbsa.org
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Enquiries should reference specific paragraph numbers, where appropriate.

All questions/ enquiries must be forwarded in writing not later than **3 days before tender closing 29 November 2021.**

Questions/Answers will be emailed to bidders.

Background

Request for Information: Contract Lifecycle Management(CLM) Solution

September 2021

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1. INTRODUCTION

The Development Bank of Southern Africa (DBSA) is a leading development finance institution (DFI), wholly owned by the government of South Africa. The DBSA is mandated to promote economic growth as well as regional integration by mobilising financial and other resources from the national and international private and public sectors for sustainable development projects and programmes in South Africa, SADC and the wider African continent.

Through investment in infrastructure, the DBSA seeks to support both short-term aggregate demand and long-run aggregate supply in the economy. Infrastructure is a necessary ingredient for supporting the expansion of local manufacturing industries and helps in expanding markets for the outputs of these industries. In summary, socio-economic development can be facilitated and accelerated by the presence of infrastructure.

DBSA primarily plays a key role in the preparation, funding and building phases of the infrastructure development value chain. The diagram below illustrates the various services as well as the key target markets per value chain segments.

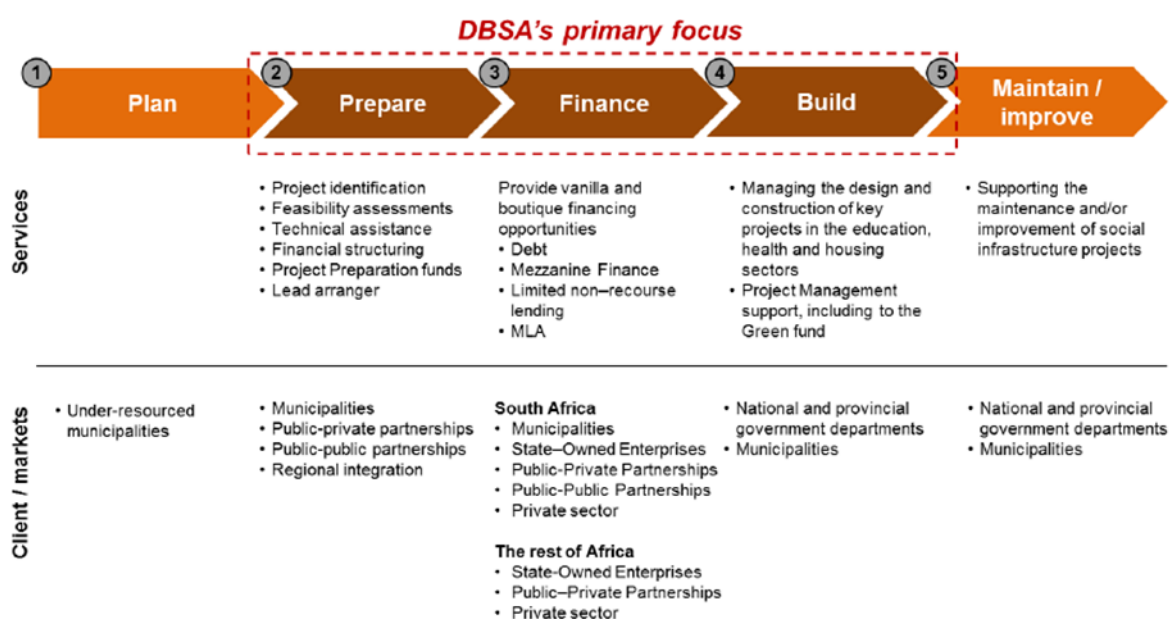


FIGURE 1: DBSA'S PRIMARY FOCUS AREAS

2. PURPOSE

The purpose of this document is to detail the Terms of Reference (TOR) for request for information (RFI) on the implementation of a Contract Lifecycle Management (CLM) tool/solution that will enable DBSA to automate and streamline the end-to-end contract lifecycle process from initiation to contract renewal.

3. BACKGROUND

Under the uncertainty that the global pandemic has created, the DBSA has considered how it should adjust its strategic approach in order to remain relevant, sustain the development impact while still executing on its mandate. This requires a balanced approach to development finance with equal consideration given to the dual mandate aspects of financial sustainability and sustained development impact. The approach requires the need to create efficiencies and cross functional capacity to achieve operational excellence.

Operational excellence is envisaged to be achieved through digital transformation of the Bank's operations, which will be underpinned by several enablers such as innovation which considers novel approaches in transformation and investment, a programmatic approach in which projects are developed and executed, future fit operations to anticipate and address current and long term trends and enhancing strategic partnerships both locally and globally.

The DBSA has embarked on a digital transformation journey, to increase efficiency and effectiveness of the Bank's processes, capabilities and overall operating models. Included in the 2020 – 2023 corporate plan, as one of the key focus areas is **Building a Digital DBSA**, through overcoming stumbling blocks and rewiring legacy systems by transforming core business processes to respond to client changing needs and experiences. To continue delivering value to clients and gain a competitive advantage, DBSA must adapt to the new turbulent market reality and leverage technology to deliver an unmatched client experience.

Currently the bank does not have a contract lifecycle management solution that streamlines and automates the contract lifecycle process. The current process is:

- **Manual:** The contracting process is mostly manual and very cumbersome.
- **Paper-based:** Process is paper-based with contracts saved in various locations. This exposes the bank to the risk of lost or misplaced contracts.
- **Inaccurate Reporting:** Accurate reporting on contracts that are expiring and keeping an audit trail becomes difficult
- **Inefficiencies:** Inefficiencies in the review and approval of contracts result in delays.

The main aim of the CLM solution is to provide users with a solution that will allow them to self-serve and automate contracts based on pre-approved templates.

4. SCOPE OF WORK

The scope of work is to provide information regarding the implementation of a CLM solution, which includes the following:

- Automating the end-to-end contract lifecycle process including:
 - ✓ Initiation of a contract (Contract Request)
 - ✓ Contract creation and drafting using predefined templates
 - ✓ Reviewing of contracts
 - ✓ Approval of contracts
 - ✓ Integrated contract repository (Records management)
 - ✓ Contract performance review and monitoring
 - ✓ Contract expiration notification
 - ✓ Audit trail
 - ✓ Workflow management
 - ✓ E-signature
 - ✓ Reporting
 - ✓ Document versioning and sharing
 - ✓ Contract clause library

5. BUSINESS REQUIREMENTS

The following are the key requirements that, the Service Provider must respond to:

- Require the ability to initiate a contract following a request.
- Require the ability to create contract templates and reusable contract clauses.
- Require the ability to create new contracts, search for a contract, view contract details, update contract and delete contracts.
- Require the ability to review and approve contracts.
- Require an integrated contract repository to store contracts and related supporting documents.
- Require the ability to review and monitor contract performance.
- Require the ability to send reminders and notifications on contract expiration.
- Require the ability to define workflows and approval.
- Require the ability to keep an audit trail and contract versioning.
- Require digital signature capabilities.

Require the ability to create reports and dashboards based on a predefined criterion.
 Require the ability to define document security and sharing rules.
 Require the ability to integrate with existing DBSA systems.

6. EXPECTED DELIVERABLES, OUTPUTS AND TIMELINES

Detailed response to the scope and requirements as requested in this RFI TOR. This will be in a form of a written proposal to the DBSA. **The service provider is expected to provide a proposed solution.**

The Service Provider will be expected to provide high level implementation timelines. Detailed response on pricing and licensing models.

7. COMPETENCY, EXPERTISE AND EXPERIENCE REQUIREMENTS

Overview of firm: a brief outline of the Service Provider's experience along with pertinent corporate details including full legal company name; year business was established; number of people currently employed; and services provided.

Company Experience: The Service Provider must have implemented a contract lifecycle management solution that is currently operational and being used by a company and provide evidence of usage in the last three (3) years. The Service Provider must detail the scope of the CLM solution and provide contactable references.

8. PROJECT REPORTING ARRANGEMENTS

N/A – this is an RFI

9. PRICING AND PAYMENT TERMS

Provide detailed pricing-based scope of work and the requirements.

10. MINIMUM PROPOSAL REQUIREMENTS

10.1 Qualifying criteria for the project include:

Qualifying Criteria	Yes	No
BEEE STATUS	N/A	
51% Black-Owned		
EMES' and QSE's with a minimum BEE level 2		

11. FUNCTIONAL AND TECHNICAL EVALUATION CRITERIA

COMPETENCIES AND EXPERIENCE REQUIREMENTS

Sub-qualifying criteria

Sub-Criteria	Description	Weightings
--------------	-------------	------------

The service provider must provide the DBSA with a proposal with the following headings		
Track Record and Experience	<ul style="list-style-type: none"> Overview of firm: a brief outline of the Service Provider's experience along with pertinent corporate details including full legal company name; year business was established; number of people currently employed; and services provided. Company Experience: The Service Provider must have developed and implemented a CLM that is currently operational and being used by a company and provide evidence of usage in the last three (3) years. The Service Provider must detail the scope of the CLM Solution and provide contactable references. 	N/A
Business Requirements	<ul style="list-style-type: none"> The key business requirements that the Service Provider must respond to are detailed in <u>Section 5</u> 	N/A
Implementation Approach	<ul style="list-style-type: none"> Provide a detailed approach for the overall implementation. 	N/A
Implementation Timelines	<ul style="list-style-type: none"> Provide a detailed response on high-level implementation timelines and the app. 	N/A
Support and Maintenance	<ul style="list-style-type: none"> Provide a detailed response on supporting services that may be provided post implementation. 	N/A
Pricing	<ul style="list-style-type: none"> Provide a detailed response on pricing and licensing models 	N/A
Presentation/Demo	<ul style="list-style-type: none"> Provide a presentation/demo of the proposed contract lifecycle management tool 	N/A
Total		N/A

The minimum functional threshold – **Not Applicable**.

Important Note: This is an RFI and therefore, the process will NOT result in the appointment of a Service Provider.

Agreement to the RFI Terms and conditions.	Yes	No
Please indicate appropriately by marking with an (X) If you agree with the terms that are set in the above section.		

Annexure A - General Questions

[Annexure A] Section 1 - Basic Company information

1.1 Basic Company Information:			
	<i>Company Name</i>		
	<i>Company Website Address</i>		
	<i>Are you a Manufacturer / Installers</i>		
	<i>Date Founded</i>		
	<i>No. of Employees</i>		
1.2 Primary Location:			
	<i>Street</i>		
	<i>City</i>		
	<i>Province</i>		
	<i>Postal Code</i>		
	<i>Phone</i>		
	<i>E-Mail Address</i>		
	<i>Fax</i>		
1.3 Primary Contact Person:			
	<i>Name</i>		
	<i>Title</i>		
	<i>Phone</i>		
	<i>Fax</i>		
	<i>E-Mail Address</i>		
1.4 Indicate the type of vendor / service: Mark with (X)			
1.5	Please list any holding / parent / subsidiary companies and attach company structure (if applicable):		List Information Here
	<i>Parent Company?</i>		
	<i>Subsidiaries?</i>		
	<i>I have attached company structure Mark (X)</i>	YES:	NO:
1.6	If you are a local company (South African) - what is your company's status regarding Broad Based Black Economic Empowerment?		Additional Comments
	<i>BBBEE Status</i>	<i>Level:</i>	<i>Comments:</i>

CHECKLIST OF COMPULSORY RETURNABLE SCHEDULES AND DOCUMENTS

Please adhere to the following instructions:

- Tick in the relevant block below
- Ensure that the following documents are completed and signed where applicable
- Use the prescribed sequence in attaching the annexes that complete this RFI

Document

For this RFI document to be completed the below check list is required to be completed and all required documents to be attached accordingly.

Returnable schedules and documents	YES	NO
Annexure A: General Questionnaire		
Annexure B: Tax Compliance Status Requirements		
Annexure C: Completed Declaration of interest		
Annexure D: SBD6.1 and B-BBEE status level certificate		
Annexure E: SBD8: Declaration of Bidder's Past Supply Chain Practices		
Annexure F: SBD9: Certificate of Independent Bid Determination		
Annexure G: Supporting documents - CSD Compliance Status and Registration in the form of a CSD Summary Report		
Annexure H: Certified copies of your CIPC company registration documents listing all members with percentages, in case of a lose corporation		
Attachment of client references: Minimum three client reference letters		
Attachment of the detailed company profile		

TAX COMPLIANCE STATUS REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

Note: Valid Tax Compliance Status (TCS) is mandatory. Bidders are required to submit Tax Compliance Status Pin Issued by SARS together with the tender documentation. Bidders must always be tax compliant for bidders to participate in the tender process and post the tender process. Failure to provide this information, may lead to disqualification.

DECLARATION OF INTEREST

1. Is the Bidder, or any person connected with or employed by the Bidder or an entity which forms part of the Bidder, aware of any fact which may give rise to an actual or perceived conflict of interest on the part of the Bidder, the DBSA or any person involved in the evaluation or adjudication of this Bid?

YES	NO

2. If the answer to 1 above is "Yes", Bidders are required to set out, in detail immediately below, the facts which may give rise to an actual or perceived conflict of interest and identify the individuals to which those facts relate.

3. In addition, Bidders are required to complete the following:

3.1. Full Name of Bidder or his or her representative:

3.2. Identity Number:

3.3. Position occupied in the Company (director, trustee, shareholder¹):
.....

3.4. Company Registration Number:
.....

3.5. Tax Reference Number:
.....

3.6. VAT Registration Number:

3.7. The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / personnel numbers must be indicated in paragraph 4 below.

3.8. Are you or any person connected with the bidder presently employed by the state²?

YES	NO

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:
.....
.....
.....

¹ "Shareholder" means a person who owns shares in the company.

² "State" means –

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

3.8.1. 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

If yes, did you attach proof of such authority to the bid document? (Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.)

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

.....

.....

.....

3.9. 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

If so, furnish particulars:

.....

.....

.....

3.10. 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

If so, furnish particulars:

.....

.....

.....

3.11. 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

If so, furnish particulars.

.....

.....

.....

3.12. 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?

If so, furnish particulars:

.....

YES	NO

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

Full Name	Identity Number	Personal Tax Reference Number	State Number / Employee Peral Number

DECLARATION

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

CERTIFY ON BEHALF OF THE BIDDER THAT THE INFORMATION FURNISHED IN THIS DECLARATION 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

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - B-BBEE Status level certificate issued by an authorized body or person;
 - A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

80/20

or

90/10

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

- P_s = Points scored for price of bid under consideration
- P_t = Price of bid under consideration
- P_{\min} = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

- 5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

- 6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

- 7.1 Will any portion of the contract be sub-contracted?
(*Tick applicable box*)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- 7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE
(*Tick applicable box*)

YES		NO	
-----	--	----	--

- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

- 8.7 Total number of years the company/firm has been in business:.....
- 8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:
- i) The information furnished is true and correct;
 - ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
 - iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
 - iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

Annexure E

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

4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

SBD 8

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. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

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.
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.

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.**

..... Signature Date
..... Position Name of Bidder

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CSD Tax Compliant Status and Registration Requirements

ALL PROSPECTIVE BIDDERS MUST HAVE A TAX COMPLIANT STATUS ON THE CENTRAL SUPPLIER DATABASE (CSD) OF THE NATIONAL TREASURY AND IS REQUIRED TO ATTACH PROOF OF COMPLIANT STATUS IN THE FORM OF A CSD SUMMARY REPORT AT THE TIME OF TENDER SUBMISSION.

REGISTRATION ON THE CSD SITE OF THE NATIONAL TREASURY IS A COMPULSORY REQUIREMENT FOR A BIDDER TO BE APPOINTED, TO CONDUCT BUSINESS WITH THE DBSA. THE ONUS IS ON THE SUCCESSFUL BIDDER TO REGISTER ON THE CSD SITE AND PROVIDE PROOF OF SUCH REGISTRATION PRIOR TO APPOINTMENT.

CSD Registration Number:	
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Certified copies of your CIPC company registration documents listing all members with percentages, in case of a lose corporation



The Development Bank of Southern Africa has a Zero Tolerance on Fraud and Corruption.

Report any incidents of Fraud and Corruption to Deloitte Tip-offs Anonymous:

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Email : dbsa@tip-offs.com

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