



BID SPECIFICATIONS

PROVISION OF SECURITY SERVICES FOR THE EDUCATION LABOUR RELATIONS COUNCIL

ELRC-T01 -2024/25

RENDERING OF SECURITY SERVICES AT THE EDUCATION LABOUR RELATIONS COUNCIL FOR A PERIOD OF FIVE (5) YEARS

1. INTRODUCTION

- 1.1. This is to invite qualifying service providers to render Physical Security Services at the Education Labour Relations Council facilities located ELRC Building, 261 West Avenue, Centurion, Pretoria.

2. SCOPE OF SERVICES

- 2.1. The security services will be required for a period of five (5) years at the above specified premises.
- 2.2. This will be as per requirements outlined below and per any legislative requirements.

3. THE PROSPECTIVE SERVICE PROVIDER SHALL RENDER THE SECURITY SERVICES AT THE EDUCATION LABOUR RELATIONS COUNCIL FACILITIES AS FOLLOWS:

- 3.1. Protection of ELRC employees, information and assets against any damages, injuries, vandalism, theft, sabotage, death and any other security risks or threats.
- 3.2. Daily execution of access and egress control in terms of the provisions of the Control of Access to Public Premises and Vehicles Act, 1985 (Act 53 of 1985).
- 3.3. Patrol and safeguard the ELRC's premises and buildings.
- 3.4. Record all visitors and vehicles entering and leaving ELRC premises.
- 3.5. Control the presence of persons, goods and vehicles and the movement thereof to and from the ELRC facilities.
- 3.6. Conduct searches on visitors entering and leaving the premises.
- 3.7. Compile reports of incidents of security breaches taking place during shifts operations.
- 3.8. Apprehend suspects if necessary.
- 3.9. Monitoring surveillance cameras during shift operations.
- 3.10. Prevent any criminal acts including but not limited to malicious damage to vehicles, property and assets and if an incident has occurred, investigate it and report to the ELRC representatives.
- 3.11. Carry out lawful security orders/instructions issued by the ELRC's representative from time to time.
- 3.12. React and report the emergency situations to the relevant emergency services, e.g ambulance services, fire department, police station and the ELRC's representatives immediately when the emergency occurs.
- 3.13. Ensure that security registers are neat and up to date at all times.
- 3.14. Report any lost and found articles/items to the supervisor and to the ELRC's representative.

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- 3.15. Comply with the Occupational Health and Safety Act and Regulations (Act 85 of 1993).
- 3.16. Ensure compliance with provisions of Firearm Control Act, 2000 (Act 60 of 2000).
- 3.17. Provide additional resources (guards) as and when required.

4. MANDATORY REQUIREMENTS

The prospective service providers shall be obliged to submit the following:

- 4.1. A Copy of a valid Tax Compliance Pin.
- 4.2. Private Security Industry Regulatory Authority (PSIRA) certificate. Bidders must attach a valid PSIRA certificate for the company and Directors, including certified ID copies not older than 3 months.
- 4.3. Certified copy of Letter of Good Standing Certificate with the Compensation Commissioner
- 4.4. A valid COIDA Registration Certificate for Workman's Compensation
- 4.5. Certified copy of Unemployment Insurance Fund Registration Certificate
- 4.6. Certified copy of Insurance Indemnity/Letter (R2 million and above) from the Insurance Broker (company, directors and owners)

NB: Failure to submit any of the above documents will result in the bidder being disqualified from the process.

5. GENERAL TERMS AND CONDITIONS

The prospective service provider shall be obliged to adhere to the terms and conditions of the tender as stipulated below:

- 5.1. Prospective service providers must provide the names, physical and postal address, telephone and fax numbers of their regional or provincial offices and control rooms and head office.
- 5.2. Prospective service providers must provide the names, identity numbers and street addresses of all partners, shareholders of their companies and/or members of their partnership, companies or close corporations respectively and as applicable.
- 5.3. The prospective service provider must be a South African entity and its security officers must be South African citizens in possession of valid South African identity (ID) document or smart card.
- 5.4. Provide security clearances of the security officers who will be placed at the ELRC's facilities as may be requested.

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- 5.5. Provide proof of school/tertiary, firearm training and PSIRA qualifications of site manager and security officers. Certificates are to be verified and examined by ELRC officials.
- 5.6. Consent of their employees that they do not object to signing a Declaration of Confidentiality or Oath of Secrecy regarding any ELRC information handled by the service provider.
- 5.7. Additional security officers who will be utilised for ad hoc situations at ELRC facilities shall also undergo the necessary security record checks conducted by SAPS.
- 5.8. Security officers assigned to ELRC sites must be eighteen (18) years and older with the relevant qualification.
- 5.9. Security officers assigned to the ELRC must be in possession of Grade 12 (Matric) certificate.
- 5.10. As part of the bid adjudication process the prospective service provider will be subjected to the following:
 - 5.10.1. Security screening/reliability checks on the company structure and all directors of the company or member of the close corporation.
 - 5.10.2. Security screening/reliability checks of all security officers supplied to render security service to the ELRC's facilities (the level of the clearance required shall be determined by ELRC's representative).
 - 5.10.3. Signing of legal indemnities with regard to the services rendered (e.g. damage to property of third parties, loss of life or injury to be sustained by the security personnel during the execution of their duties and any other legal claims resulting from acts or omissions committed by security personnel against third parties).

6. INFRASTRUCTURE AND CAPACITY REQUIREMENTS OF THE PROSPECTIVE SERVICE PROVIDER

For purposes of this bid, prospective service providers are required to meet the following infrastructure and capacity requirements:

- 6.1. The prospective service provider must have at his/her disposal a sufficient number of registered and appropriately trained and skilled security officers for the rendering of the required services. The security officers used for purposes of these services must be properly controlled and supervised.
- 6.2. The prospective service provider must have all the necessary equipment, including vehicles, as well as uniforms, clothing and equipment that must be issued to its security officers in view of the nature of their functions, at its disposal to enable it to render a proper security service.

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- 6.3. The prospective service provider must have at its disposal a sufficient number of adequately skilled administrative staff members for the purpose of the tender and for purpose of administrative affairs with regards to PSIRA regulations.
- 6.4. The prospective service provider must have at its disposal the financial means to ensure payment of the lawful remuneration/wages to its staff, as well as to ensure compliance with all other statutory financial obligations.
- 6.5. The operational standard of the infrastructure and capacity requirement will be subject to a due diligence audit by the ELRC prior to awarding of the bid.

7. PROVISION OF SECURITY EQUIPMENT/AIDS AT SITES

The service provider shall make a provision of the standard security equipment to the security officers rendering security service at the ELRC premises or facilities. All specified equipment (as described below) that is not readily available or dysfunctional will not be paid for that particular period. The following security equipment must be provided to security officers on duty:

- Operational portable two-way radios and/or press to talk (PTT) or Vanguard Management System or any other suitable communication equipment that is fit for purpose that is in line with acceptable communication equipment and procedures in the security industry x2
- Operational LED torches x2
- Visitors registers x2
- Handcuffs x2
- Batons x2
- Firearm

8. PROVISION OF SECURITY OFFICERS ON SITES

- 8.1. The definitions of the various security officers' grades are as defined by section 41 to 44 of Basic Conditions of Employment Act, No 75 of 1997 (Sectorial Determination 6 – Private Security Industry Regulatory Authority of South Africa). As such, a security officer is defined to be any natural person who is employed by another person including an organ of state and who receives or entitled to receive from that person a remuneration, reward, fee or benefit, for rendering one or more security services, who renders security service under the control of another security service provider, and who receives or is entitled to receive from such other security provider, any remuneration, reward, fee or benefit for such service. or who or whose services are directly or indirectly made available by another security service provider to any other person, and who receives or is entitled to receive from any other person any remuneration, reward, fee for benefit for rendering one or more security services. Security officers are graded A, B, C and D.
- 8.2. The ELRC, for purposes of this bid, only utilises Grade B (with a firearm) and C officers and the ELRC does not, for the purposes of this tender, utilise any security officers on Grade A and D.

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- 8.3. The prospective service provider shall, in order to ensure the continuity of the service to be rendered, allocate specific personnel to the specific site by the time the bid is awarded. A list of officers must be made available to the ELRC.
- 8.4. Exchange or rotation of security officers on sites may only be made with prior consent of the ELRC's representative responsible for the particular facility.
- 8.5. The ELRC reserves the right to interview security officers who will be rendering the security services at its sites before they commence with their work. The purpose of the interview is to determine the level, and suitable security knowledge of the security officers who are to be placed at ELRC facilities.

9. MINIMUM WAGE

- 9.1. The prospective service provider must pay his/her employees the minimum monthly basic salary, as prescribed by the Basic Conditions of Employment Act, No 75 of 1997, Sectorial Determination 6 and the compliance of Private Security Industry Regulatory Authority (PSIRA) thereof. The prospective service provider's pricing costs on this bid must not be below the PSIRA costs requirements.

10. UNIFORMS AND IDENTIFICATION OF SECURITY OFFICERS ON SITE

The service provider shall ensure that each security officer will at all times, when on duty, be fully dressed with:

- 10.1. A neat and clearly identifiable corporate uniform which must be provided by the service provider. The uniform must include rain-coats for personnel performing security duties in inclement weather.
- 10.2. A clear security or appointment card with photo which must be worn conspicuously on him/her at all times.

NOTE: No combat/camouflage uniform is allowed in a corporate office environment.

11. SERVICE PROVIDER RESPONSIBILITIES

- 11.1. Oversee all security activities performed by security personnel on ELRC sites.
- 11.2. Handle all problems and challenges experienced by security officers on sites.
- 11.3. Attend to all problems regarding security personnel wages, family and any other problems.
- 11.4. Ensure that there is always security equipment on site according to the contract.
- 11.5. Ensure that security officers on site are suitably trained to the required level and competent to render the security services.
- 11.6. Liaise with ELRC's representative on site.

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- 11.7. Shortages and late coming by security officers must be recorded in the occurrence book and the ELRC shall reserve the right to keep its own records on such incidents.
- 11.8. Ensure that security personnel are familiar and knowledgeable regarding the handling of emergency situations.
- 11.9. Ensure that security registers are legible, neat and updated at all times.
- 11.10. Ensure that all security officers understand the needs and expectations of primary clients (employees) and secondary clients (visitors).
- 11.11. Ensure that adequate security officers are placed on site as per contract.
- 11.12. Ensure that security officers shall not erect or display any sign, printed matter, painting, nameplates and advertising articles on any ELRC's premises or building walls.
- 11.13. Remove any security officer from the site on request from an ELRC representative.
- 11.14. Provide the ELRC's representative with reasonable access to the designated service provider management to ensure efficient provision of services.
- 11.15. Provide the ELRC's representative with monthly reports, attend monthly meetings and attend to all ad hoc meetings as requested by the ELRC representative.
- 11.16. Provide shift rosters with the appropriate security officer's names and PSIRA grades to ELRC officials.
- 11.17. Conduct regular inspections on site.
- 11.18. Make himself / herself available during emergencies and telephonically contactable at all times.
- 11.19. Ensure that security officers are not involved in any illegal acts at ELRC sites.

12. SECURITY INSPECTIONS

- 12.1. The ELRC's officials reserve the right to conduct security inspections/audits on any of the ELRC's facilities where the security officers are placed or posted to execute their security duties and also to conduct inspection on the security personnel, security registers, records and equipment/aids as it may be deemed required.

13. SHIFT DURATION

- 13.1. Shift duration of security officers shall be limited to a maximum of twelve (12) hours on all premises occupied by the ELRC.
- 13.2. No security officer may work for more than forty-eight (48) hours in any seven (07) day cycle, unless if there is arranged overtime with the employee. (Please refer to Basic Conditions of Employment Act, No 75 of 1997, as amended. Sectorial Determination 6 Clause 5, sub clause [2] (a), (b), (c). The ELRC shall not enter or entertain any negotiations regarding this requirement.

14. RESOURCES AND FACILITIES PROVIDED BY THE ELRC

The ELRC will make the following facilities available to the prospective service provider:

- Toilet/ablution facilities.
- Telephone with open line to communicate with the service provider's security control room police, fire brigade, ELRC's and the contracted alarm monitoring service provider as the case may be. Private telephone calls will not be allowed.
- ELRC security site instruction or any security related manual or document.
- Provide electricity
- Provide water and sanitation
- Provide guard room

15. WRITTEN PROPOSAL

It is a requirement of this bid that a written proposal/submission be made by the prospective service provider covering the following aspects:

15.1. Provide company profile and organogram. Names of incumbents must be appropriately stipulated on the organogram.

15.2. Provide detailed description of the company's similar and related experience and track record. Submit a detail list of existing and previous clients and their contact details and three (3) reference letters of the previous service or current service clients. This must be on the client's letterhead, dated and signed by the client.

15.3. Established Administrative Office

The prospective service provider must have a well-established immovable office (structure) for administration purposes.

The administration office shall consist of the following aspects:

15.3.1. The office should consist of at least one room dedicated for this purpose.

15.3.2. The office must contain all the equipment which is necessary for the effective management and administration of the security service.

15.3.3. The office must have a landline, fax machine, electronic filing, et cetera.

15.3.4. It must be situated at a place that is reasonably accessible to the ELRC.

15.3.5. The office must be in a place which is accessible by the security officers that are used by the company to render a security service.

NB: Please indicate clearly in the written submission items in your office as stated on 14.3.1 to 14.3.5

15.4. The prospective service provider's written proposal must include the details of the proposed team which will assist with administration and rendering of the security services to the ELRC.

15.5. Provide the curriculum vitae (CV) of each team member as proposed on 14.5. The details should include CV's, copies of their IDs, PSIRA qualifications (Certificates),

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knowledge and experiences of the members. The security experiences of the incumbents must be detailed in the CV.

15.6. **Provide detail proposal or project plan** on how the prospective service provider will provide the capacity, equipment and security services for the duration of the contract. The project plan must provide details on how the projected will be executed and it must include and limited to the following aspects:

- How the prospective service provider will protect and safeguard the assets and employees.
- How the service provider will provide capacity, human resources and assets to provide to execute the plan.
- How the service provider will prepare for the taking over of the site.
- Patrol system or mechanism for the ELRC sites.
- The provision or deployment of security officers on the sites.
- Liaison and reporting to the ELRC representative.
- Any other areas/issues which may improve the security services at sites.

15.7. Provision of contingency plan for labour unrest and strikes on site.

- When the security service is interrupted or temporarily deferred because of any labour unrest, labour disputes, civilian disorder, a local or national disaster or any other cause, the service provider must ensure the activation and implementation of contingency plans until full and normal service is restored. The service provider must ensure that the company responds to the emergency situation in less than three (3) hours.
- NB: The prospective service provider is required to provide a convincing contingency plan to illustrate how it would ensure the safeguarding of the ELRC facilities and employees in the event of/or any labour unrest and strikes by either security officers or employees of the ELRC.

16. PSIRA REQUIREMENTS

16.1. The company or close corporation and every director of the company or member of the close corporation must be registered in terms of Section 20 of the PSIRA Act 2001 (Act 56 of 2001).

16.2. The prospective service provider's rates and costs must be in line with the minimum PSIRA requirements.

16.3. The prospective service provider must provide the PSIRA registration certificate.

16.4. Prospective service providers must provide an original or copy of the written letter of good standing from PSIRA. This correspondence must be valid at the bid closure date. The service provider may be required to submit a valid original or certified copy of the letter of good standing at any given time during for the duration of the contract.

16.5. All security officers in the employ of the company or close corporation must be registered PSIRA.

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16.6. All security officers supplied by the company or close corporation must be trained to the standards set out and regulated by PSIRA and by a training centre accredited by PSIRA.

17. MONTHLY INVOICING AND PAYMENT

Monthly payments will be made in accordance with the general conditions of contract and the invoicing must be done in accordance with the following procedure:

17.1. Invoices shall be based on shift registers and certified time sheet by the ELRC. Certified shift registers and time sheet shall be processed for payment within thirty (30) days of receipt thereof after proper verification is completed.

17.2. Only original invoices accompanied by a monthly statement will be accepted for payment.

18. ANNUAL INCREMENT

18.1. Annual increases (where applicable) for the required services shall be strictly calculated based on annual statutory increases regulated by PSIRA.

19. DURATION OF THE CONTRACT

19.1. A Service Level Agreement (SLA), based on this tender requirement, will be entered into prior to the appointment of a service provider. The SLA (contract) will be valid for a period of five (5) years from the commencement date provided that the service provider maintains compliance with all the tender conditions and requirements during the period. If and when necessary, the contract may be extended for an additional period as may be determined by the ELRC at its sole discretion. Such extension shall be by mutual consensus in respect of duration and cost implications.

20. COMPLETION OF PRICING

20.1. Prospective service providers are required to complete all the pricing tables below including the calculation of the summary with the prescribed format and the cost must be for monthly fee. Failure to comprehensively complete the tables will invalidate your bid.

NB: Prospective service providers are required to complete this pricing schedule in relation to the PSIRA illustrative contract pricing structure and are also obliged to include the cost or no cost for the relievers in their pricing.

21. SCHEDULE OF REQUIRED SERVICES, QUANTITIES AND RATES

PROSPECTIVE SERVICE PROVIDERS ARE REQUIRED TO COMPLETE ALL THE TABLES BELOW IN THE PRESCRIBED FORMAT AND THE COST MUST BE FOR MONTHLY.

FAILURE TO COMPREHENSIVELY COMPLETE THESE TABLES WILL INVALIDATE YOUR BID

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NB: PROSPECTIVE SERVICE PROVIDERS ARE REQUIRED TO COMPLETE THIS PRICING SCHEDULE IN RELATION TO THE PSIRA ILLUSTRATIVE CONTRACT PRICING STRUCTURE AND ARE ALSO OBLIGED TO INCLUDE THE COST OR NO COST OF THE RELIEVERS IN THEIR PRICING.

ITEM 1	CURRENT SCOPE	QUANTITY REQUIRED	(RATE PER GUARD PER MONTH)	TOTAL PER ANNUM (YEAR1)	TOTAL PER ANNUM (YEAR2)	TOTAL PER ANNUM (YEAR3)
1.	SUPERVISORY STAFF					
1.1	Grade B: Team Leader (Day & Night shifts): Mondays to Sunday including public holidays)	2	R	R		
2.	GUARDING TEAM COSTS					
2.1.	Grade C: (Day & Night shifts): Monday to Sunday including public holidays	2	R	R		
TOTAL			R	R	R	R
GRAND TOTAL (INCLUSIVE OF ALL TAXES)					R	

The cost will remain fixed for the duration of this tender unless new terms are introduced and agreed up. (Only PSIRA rate adjustment will allowed upon submission of request by the appointed service provider)

NB: Two personnel required per shift 1 X grade B and 1 X grade C

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22. EVALUATION CRITERIA AND WEIGHTINGS

22.1. Bids shall be evaluated in terms of the following process:

Phase 1: Initial Screening Process: During this phase, bid responses will be reviewed for purposes of assessing compliance with RFP requirements including the general bid conditions, which requirements include the following:

- Submission of a valid Tax Compliance Pin
- Submission of Company Registration Forms -CIPC
- Submission of certified ID copy for the Company Representative (also see 4.2)
- BEE Status Certification
- Completion of all Standard Bidding Documents and other requirements, as reflected in this RFP. (This will be inclusive of all documents listed under paragraph 4.
- ICASA type approved Certificate.

Phase 2: Technical/ Functionality Evaluation Bid responses will be evaluated in accordance with the Functional criteria as follows:

- The functionality of the service provider will be demonstrated by the soundness of the proposal received.
- Each component of the pricing will be scored and weighted according to the prescribed formula as per the table below.
- Services providers that will be shortlisted for the Pricing Evaluation phase will be those who have achieved a **minimum score of 75% of the total score 100.**

Functional Requirements

Sub-Criteria	Description	Weightings
Capacity	Company profile. Years of existence and in service minimum 5 years – provide supporting documents (CIPC)	10%
	Operational; equipment and other facilities. Vehicles and support structure including staff complement.	30%
Experience Two CVs per grade with PSIRA certificates.	The CV of key personnel must be attached indicating working experience in similar role: Grade B, 5 years or more.	10%
	Grade C, minimum 3 years	5%
Proposed methodology	The service provider must provide a guarding services plan	10%
	The service provider must provide a Security Operations Procedures	30%
References	Three reference letters of security services provided within the last three years be attached. Refer to 15.2	5%
Total		100%

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- All Bidders who score **LESS than (75% out of 100%)** on functionality will not be considered for further evaluation.

Phase 3: Preference Point System (Pricing Evaluation): the phase will be based on the 80/20 principle to ensure delivery of best value for money services.

- Preference points for this bid shall be awarded for:
 - a) Price (80 as applicable); and
 - b) B-BBEE Status Level of Contribution (20 as applicable).

Criteria	Points
Price	80
B-BBEE	20
Total	100 points

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

Period: 60 Months (5 years)

Closing date: 02nd July 2024

Time: 11:00am

Briefing session: None

Delivery of Documents: The tender documents must be submitted at the ELRC offices in Centurion. 261 West Avenue, Centurion, Pretoria

No electronic submissions will be accepted. The bidder must complete the register at reception upon submission.

The attached documents must be completed and be returned with the bidder's proposals.

Submission Requirements

1. Responses to this RFP must be submitted between **08h00 and 14h00** (Monday to Friday, excluding public holidays); on the closing date submissions must be done before 11h00 am. **(No late submissions will be accepted)**
2. Service providers must submit three (3) hardcopies of the technical response as well as three (3) hardcopies of the financial proposal.
3. One hardcopy must be the original submission, clearly marked "Original" and the remaining hardcopies can be a copied versions of the original.
4. Service providers should take particular care to ensure that there are no discrepancies on hardcopy submissions of the proposed solution.
5. Responses to this RFP must follow a two-envelope approach where service providers' pricing and technical response must be submitted in separate sealed

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envelopes. The copies must be bundled together and submitted as a single pack and clearly marked indicating the contents of the envelope as well as the BID number.

Each individual envelope must be clearly marked with the following information:

- Name of the RFP,
- RFP Number

- ORIGINAL or COPY 1 or COPY 2 etc.

- Return address label indicating the name and address of the Service Provider.

6. Submissions that are received open or that fail to indicate the RFP number will be rejected.

Submissions that are faxed or via electronic mail delivery will not be accepted.

NB: There will be no public opening of the tender. The list of tenders received shall be published on the ELRC Website, this includes any erratum, extension or cancellation of the tender.

Validity of bids must be 120 days from the closing date.

Enquiries to be emailed to SCM Manager as indicated below not later than 15th June 2024. The question and responses will be published on the Website.

tenders@elrc.org.za

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**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (EDUCATION LABOUR RELATIONS COUNCIL)					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

SUPPLIER INFORMATION

NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
FACSIMILE NUMBER	CODE		NUMBER	
E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				
	TCS PIN:		OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?				
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:		

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[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]
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		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

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PART B
TERMS AND CONDITIONS FOR BIDDING

1. 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). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
- 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. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
- 1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 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.
- 2.3 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
- 2.4 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
- 2.5 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD Printout from CSD indicating compliance must be provided).

3. 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 ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

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SBD 3.1

PRICING SCHEDULE – FIRM PRICES (PURCHASES)

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of bidder.....	Bid number.....
Closing Time 11:00	Closing date.....

OFFER TO BE VALID FOR.....DAYS FROM THE CLOSING DATE OF BID.

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY ** (ALL APPLICABLE TAXES INCLUDED)
----------	----------	-------------	---

- Required by:
- At:
- Brand and model
- Country of origin
- Does the offer comply with the specification(s)? *YES/NO
- If not to specification, indicate deviation(s)
- Period required for delivery
- *Delivery: Firm/not firm
- Delivery basis

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

** "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

*Delete if not applicable

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; national Assembly or the national Council of provinces; or Parliament.
- (d) ELRC

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 **YES / NO**

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presently employed by the state?

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 **YES / NO**

work outside employment in the public sector?

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**

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2.9.1 If so, furnish particulars.

.....

2.10 Are you, or any person connected with the bidder, **YES/NO**
 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?

2.10.1 If so, furnish particulars.

.....

2.11 Do you or any of the directors / trustees / shareholders / members **YES/NO**
 of the company have any interest in any other related companies
 whether or not they are bidding for this contract?

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 / Peral Number

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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

May 2011

**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

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- 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:
- 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) 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;

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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:

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

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)

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

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 last 51% owned by:	EME √	QSE √
Black people	<input type="checkbox"/>	<input type="checkbox"/>
Black people who are youth	<input type="checkbox"/>	<input type="checkbox"/>
Black people who are women	<input type="checkbox"/>	<input type="checkbox"/>
Black people with disabilities	<input type="checkbox"/>	<input type="checkbox"/>
Black people living in rural or underdeveloped areas or townships	<input type="checkbox"/>	<input type="checkbox"/>
Cooperative owned by black people	<input type="checkbox"/>	<input type="checkbox"/>
Black people who are military veterans	<input type="checkbox"/>	<input type="checkbox"/>
OR		
Any EME	<input type="checkbox"/>	<input type="checkbox"/>
Any QSE	<input type="checkbox"/>	<input type="checkbox"/>

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

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- 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

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- 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.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p> <p>ADDRESS</p> <p>.....</p> <p>.....</p>
--

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?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <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>	<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>
4.1.1	If so, furnish particulars:		

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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. 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.

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.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.