



<b>BID/RFQ NUMBER:</b>	<b>RFQ0002310</b>
<b>CLOSING DATE:</b>	<b>06 JULY 2022</b>
<b>CLOSING TIME:</b>	<b>11:00 A.M</b>
<b>BID VALIDITY PERIOD:</b>	<b>120 Days</b>
<b>COMPULSORY BRIEFING SESSION</b>	<b>No briefing session</b>
<b>DESCRIPTION OF BID:</b>	<b>THE APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE ACCESS TO HIV AND TB CASH PAYING PATIENTS' DATA</b>
<b>RFP/ RFQ TO BE EMAILED TO THE FOLLOWING EMAIL ADDRESSES:</b>  Email address: <a href="mailto:Beullah@sanac.org.za">Beullah@sanac.org.za</a> Copied: <a href="mailto:Billia@sanac.org.za">Billia@sanac.org.za</a> Copied: <a href="mailto:Mbali@sanac.org.za">Mbali@sanac.org.za</a>	
<b>FOR ATTENTION: Procurement Officer- BL Mthombeni</b>	

## **Terms of Reference**

### **for Access to HIV and TB cash paying Patients' data**

#### **1. INTRODUCTION**

The South African National Strategic Plan (NSP) for HIV, STIs and TB (2017- 2022) is the country's fourth comprehensive strategic plan that outlined the implementation of the country's multi sectoral response on the prevention and management of HIV, STIs and TB over a period of five years which ended on 31 March 2022. Findings of the NSP Mid-Term Review (MTR) confirmed that targets for several NSP indicators were not met, including the target for the second 90-90-90 HIV Cascade targets. The 90-90-90 HIV cascade targets stipulate that:

- By 2020, 90% of all people living with HIV will know their HIV status.
- By 2020, 90% of all people with diagnosed HIV infection will receive sustained antiretroviral therapy.
- By 2020, 90% of all people receiving antiretroviral therapy will have viral suppression.

Based on the unmet targets, the Programme Review Committee heeded the Civil Society's recommendation to extend the NSP implementation period by one year from 1 April 2022 to 31 March 2023 to ensure a focused implementation approach as guided by the HIV, TB & STIs National catch-up plan, including the corresponding nine Provincial catch-up plans. One of the South African National AIDS Council's (SANAC) mandates is to monitor the progress of the implementation of HIV, TB and STIs interventions against set targets. Public sector and Private Sector (74 Registered Medical Aid Schemes) HIV data indicated that by end of January 2022, South Africa was at 93-76-89 in the context of the 90-90-90 targets. This implies that the country was behind on the 2<sup>nd</sup> 90 (90% of all people with diagnosed HIV infection will receive sustained antiretroviral therapy). Similarly, a TB treatment outcomes and Predictors in Africa study, published in the International Journal of Environmental Research and Public Health (October

2021) confirms that TB treatment success rate was at 75,52% for HIV positive patients and 84,70% for HIV negative patients.

Throughout the implementation of the NSP to this end, the country has not been able to achieve the 2<sup>nd</sup> 90 for both HIV and TB. There is need for an aggressive and focused approach to ensure the achievement of the 2<sup>nd</sup> 90 for both HIV and TB, in the shortest possible time then move towards the 95-95-95 targets by 2025.

## 2. PURPOSE AND OBJECTIVES OF THE ASSIGNMENT

It is against this background that SANAC is seeking the services of an experienced service provider to develop an agile online platform depicting HIV and TB cash paying patients data disaggregated according to provinces, districts, gender, five-year age groups, specific time periods (months, quarters, and calendar years). The objectives of the project are as follows:

- To close the HIV and TB treatment gap through having access to HIV and TB cash paying patients treatment data.
- To develop an online analytics platform providing disaggregated data as follows:
  - The number of people living with HIV (PLHIV) on Antiretroviral Therapy (ART) paying cash over specific time periods.
  - The number of TB patients paying cash for their treatment medication over specific time periods.
  - The number of PLHIV on ART who have missed a scheduled appointment by more than 90 days (Lost to Follow Up-LTFU). *(A client is lost to follow-up if he/she did not collect medication for 90 days. If a client collects medication after being lost to follow-up, the client should be subtracted again from this value.)*
  - A reflection of both early and late missed collection of ART and TB medication.
  - The number of TB patients who have missed their scheduled treatment

- for two consecutive months or more (Lost to Follow Up-LTFU).
- Possible multi-month purchasing of HIV and TB treatment medication and the specific time periods.
- An indication of unique patients' treatment adherence over time.
- Number of patients accessing ART medication for Pre-Exposure Prophylaxis (PrEP) or Post Exposure Prophylaxis (PEP).

### **3. SCOPE OF WORK**

SANAC seeks to engage a Service Provider to work closely with the SANAC Strategic Information Unit to:

- Be responsible for defining the user and system requirements for the desired platform in consultation with all identified stakeholders.
- Develop and ensure optimal functioning of the platform to consistently depict required data quarterly and annual HIV and TB cash paying patients' data dating back from 1 February 2022 to 31 March 2023)
- Develop a standard operating procedure document (maximum 2 pages) on how to navigate the online platform.
- Ensure sharing platform credentials with SANAC for consistent access to HIV and TB cash paying patients' data.
- Ensure automation of the HIV and TB cash paying patients' data into the SANAC Situation Room, which is an interactive software platform that will enable SANAC, government departments and other authorities, including programme implementers to effectively use data sets in real-time for decision-making.
- Conduct specific training for SANAC Strategic Information staff and selected stakeholders on how to navigate the online platform

### **4. EXPECTED DELIVERABLES**

The Service Provider to develop an agile online platform to ensure access to HIV and TB cash paying patients' data disaggregated according to provinces, districts, five-year age groups, gender, and specific time periods (monthly, quarterly, and annually), including ensuring access to such data from 1 February 2022 to 31 March 2023, with possible contract renewal thereafter.

## **5. SKILLS AND EXPERIENCE**

- A minimum of 5 years of proven experience in consolidating HIV and TB cash paying patients data from clearly streamlined data sources.
- Additional experience in the use of unique patient identification to avoid under counting and over counting of the number of HIV and TB cash paying patients.
- Substantive knowledge of the NSP HIV and TB treatment indicator definitions and data disaggregation.
- Substantive knowledge in human data science with practical evidence in providing data analytics and expertise to look across different brands, therapeutic areas, and healthcare systems.
- Practical experience to run data analysis within the healthcare industry by identifying unique HIV and TB cash paying patients and following them over time to report on specific patterns regarding therapeutic areas.
- Development of online platforms with capabilities to provide additional analysis beyond product-level information, as follows: therapeutic areas, manufacturers, active ingredients, brands and generics, medical schemes claims (for triangulation with data from the registered medical schemes) and cash transactions.

## **6. ASSIGNMENT MANAGEMENT ARRANGEMENTS**

- The service provider will work under the overall guidance of the SANAC Strategic Information (SI) Unit, with technical and coordination led by the SI Unit Manager.

## **7. LEVEL OF EFFORT**

- The project is expected to provide HIV and TB cash paying patients data from 1 February 2022 to 31 March 2023, with a possibility of contract renewal thereafter. The proposal should include a streamlined quarterly and annual budget for the duration of the project.

## **8. QUALIFICATIONS**

- The service provider should have personnel with at least a bachelor's degree, but a master's is preferred in the following fields: Pharmacy, Public Health, Medicine, Nursing, or other related areas.
- At least 5 years of relevant work experience in human data science.
- Desirable: Understanding/experience in Strategic Information, Monitoring and Evaluation, data management and processing related treatment data for both HIV & TB.

## **9. EVALUATION CRITERIA**

### **Functional evaluation criteria – Written proposal**

*The following Functionality Criteria will apply to this bid:*

*Only those bidders who score a minimum score of 80% in respect of the following functionality criteria will be recommended for short listing. 100 points are allocated for functionality.*

Weight	Evaluation Criteria	Points Allocation	Page Ref. Numbers
50 Points	<p>Technical proposal demonstrating a <b>clear process</b> and <b>methodology</b> for developing an agile optimally functional platform <b>depicting HIV and TB cash paying patients' treatment data</b> with required <b>disaggregation</b>, as per the Terms of reference</p> <ul style="list-style-type: none"> <li>○ Demonstration of a clear process (Demonstration of treatment changes over time; capability of capturing historical data to date; capability of illustrating lost-to follow up patients as per the South African treatment guidelines; capability of illustrating some level of patient treatment adherence; clear method of data analysis for unique patient counts. (3 points each).</li> <li>○ Illustration of a clear methodology for developing an agile optimal functioning platform: evidence of a reliable software; capabilities of the platform to extract, load and transfer (ETL) data; illustration of the platform's capabilities to use any business intelligence tools such as excel; capabilities of the platform to illustrate dashboards by filtering data as per the user's requirements; capabilities of distinguishing between new versus existing patients for specific time periods. (3 points each).</li> </ul>	<p>15 Points</p> <p>15 Points</p> <p>10 Points</p> <p>05 Points</p> <p>05 Points</p>	<p>2</p>

Weight	Evaluation Criteria	Points Allocation	Page Ref. Numbers
30 Points	<p>Demonstrated <b>track record/knowledge of reputable and reliable data sources</b> for HIV and TB cash paying patients' data with evidence of <b>access to such data</b>. Inclusion of <b>at least three contactable references</b></p> <ul style="list-style-type: none"> <li>○ Demonstration of a track record/knowledge of reputable and reliable of at least 5 data sources: (3 Points each)</li> <li>○ Demonstration of access to such type of data-data sharing agreements or similar tangible evidence for access to the 5 data sources: (2 Points each)</li> <li>○ At least five contactable references of reputable and reliable data sources: (1 point each)</li> </ul>	<p>15 Points</p> <p>10 Points</p> <p>5 Points.</p>	2

10 Points	<p>Demonstrated experience of ensuring consistent <b>data access</b> to SANAC, as per SANAC’s requirements, including ensuring <b>data security</b> and <b>integrity</b> and consistent <b>data access from reliable data sources</b>.</p> <ul style="list-style-type: none"> <li>○ Clear indication of how SANAC will have consistent access to the HIV &amp; TB cash paying patients data, including the frequency of updating the data on the platform.</li> <li>○ Evidence of data security, guarding against unauthorized access, corruption, or theft throughout its lifecycle, e.g., data encryption, backup to the cloud, password protection, identity and access management, intrusion detection and prevention software.</li> <li>○ Evidence of data integrity: accuracy, consistency, completeness, trustworthiness, quality of data over time and across formats.</li> <li>○ Evidence of consistent data access from reliable data sources.</li> <li>○ Capabilities of presenting the data to different SANAC Stakeholders, as and when required.</li> </ul>	<p>2 Points</p> <p>2 Points</p> <p>2 Points</p> <p>2 Points</p>	<p>2</p>
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Weight	Evaluation Criteria	Points Allocation	Page Ref. Numbers
5 Points	<b>Experience and qualifications</b> <ul style="list-style-type: none"> <li>○ Bachelor's degree of masters in relevant fields as per TOR</li> <li>○ 0-2 years' experience in human data science</li> <li>○ Plus 2 years to 5 years' experience in human data science</li> <li>○ Plus 5 years' experience in human data</li> </ul>	1 Point 0,5 Points 1 Point 1,5 Points 1 Point	2
5 Points	<b>Financial Proposal for both HIV &amp; TB Cash Paying Patients' data</b> <ul style="list-style-type: none"> <li>● Streamlined budget of annual data, with quarterly disaggregation:               <ul style="list-style-type: none"> <li>○ 1 February 2022 to 31 March 2023 budget</li> </ul> </li> </ul>	2 Points 3 Points	3

## 10. PROPOSAL FORMAT

Detailed proposals containing all information in response to these terms of reference are due on **6 July 2022 by 11:00**. Please send your proposals to [Beullah@sanac.org.za](mailto:Beullah@sanac.org.za) with the following annexures attached:

- i. **Annexure A:** Technical Proposal demonstrating ability to execute the required assignment and ensure consistent access to the required data over the expected period, as per the terms of reference.
- ii. **Annexure B:** Summary of experience, please attach Curriculum Vitae (CVs) of proposed members, where applicable. CVs should reflect similar assignments

undertaken, including the magnitude of the assignments and at least three reference letters or other means of verification.

- iii. **Annexure C:** Pricing information. Price proposals should include Value Added Tax (VAT) and should be fully inclusive of ALL costs to deliver the outputs indicated in the terms of reference. Budgets notes should be included to justify cost items.
- iv. **Annexure D:** Central Supplier Database (CSD) summary report with a complaint status.

**SBD 4**

### **DECLARATION OF INTEREST**

1. Any legal person, including persons employed by the state<sup>1</sup>, 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, shareholder<sup>2</sup>): .....

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.

<sup>1</sup>“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.

<sup>2</sup>“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**  
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 **YES / NO**  
the appropriate authority to undertake remunerative  
work outside employment in the public sector?

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

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

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

.....

.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

.....

.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.

.....

.....

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? **YES/NO**

2.10.1 If so, furnish particulars.

.....

.....

2.11 Do you or any of the directors / trustees / shareholders / members **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. (if there's more directors add the list as annexure)**

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

**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

## 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 **not exceed** R50 000 000 (all applicable taxes included) and therefore the ..... preference point system shall be applicable; or

b) Either the 80/20 preference point system will be applicable to 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:

	<b>POINTS</b>
<b>PRICE</b>	<b>80</b>
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	<b>20</b>
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

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;

## 3. POINTS AWARDED FOR PRICE

### 3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

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

Where

$P_s$  = Points scored for price of bid under consideration  
 $P_t$  = Price of bid under consideration

Pmin = 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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	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 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"/>
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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"/>
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v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

<b>Designated Group: An EME or QSE which is at last 51% owned by:</b>	<b>EME</b> √	<b>QSE</b> √
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		
<b>OR</b>		
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. ....

.....

DATE: .....

***[The tenderers BEE Verification Certificate or Sworn Affidavit must be inserted here]***

## 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><b>(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).</b></p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) 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><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></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	No
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4.3.1	If so, furnish particulars:
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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"/>
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4.4.1	If so, furnish particulars:
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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 bids<sup>1</sup> 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).<sup>2</sup> 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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:

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(Bid Number and Description)

in response to the invitation for the bid made by:

---

(SANAC Trust)

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

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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 consortium<sup>3</sup> 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.

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

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

# PERFORMANCE RECORD

PLEASE FURNISH US WITH AT REFERENCES IN THE BELOW TABLE AS THERE ARE POINTS ALLOCATED FOR EACH REFERENCE: Please INCLUDE three written Reference Letters to support this statement- The reference must be in line with the TOR

EMPLOYER: CONTACT PERSON AND TELEPHONE NUMBER	NATURE OF SERVICE	CONTRACT VALUE (INCLUSIVE of VAT)	DATE COMPLETED OR EXPECTED TO BE COMPLETED

**SIGNATURE:** ..... **DATE:** .....

(of person authorized to sign on behalf of the Tenderer)

**CERTIFICATE OF INCORPORATION**

**REGISTRATION CERTIFICATE / AGREEMENT / ID DOCUMENT (in a case of a Sole Proprietor)**

***[Important note to Tenderer: Registration Certificates for Companies, Close Corporations and Partnerships, or Agreements and Powers of Attorney for Joint Ventures, or ID documents for Sole Proprietors, all as referred to in the List of Compulsory Returnable Schedules and Documents, must be inserted here]***

SERVICE PROVIDER/ CONSULATNT  
(PLEASE ATTACH COMPANY PROFILE/  
CURRICULUME VITAE HERE WITH  
SUPPORTING DOCUMENTS)