PUBLIC PROTECTOR SOUTH AFRICA

PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE PUBLIC PROTECTOR SOUTH AFRICA					
BID NUMBER:	**PPSA 005/2019**	CLOSING DATE:	**18 OCTOBER 2019**	CLOSING TIME:	**11:00 AM**
DESCRIPTION	**APPOINTMENT OF A SERVICE PROVIDER TO RENDER EMPLOYEE HEALTH AND WELLNESS PROGRAMME (EHWP) TO PUBLIC PROTECTOR SOUTH AFRICA (PPSA) FOR VARIOUS OFFICES OVER A PERIOD OF THREE (3) YEARS**				

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

PUBLIC PROTECTOR SOUTH AFRICA

175 LUNNON STREET, HILLCREST OFFICE PARK, HILLCREST, PRETORIA, 0083

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO		**TECHNICAL ENQUIRIES MAY BE DIRECTED TO:**	
CONTACT PERSON	**Nkele Nemusimbori**	CONTACT PERSON	**Thabang Maswi**
TELEPHONE NUMBER	**(012) 366 7014**	TELEPHONE NUMBER	**(012) 366 7079**
FACSIMILE NUMBER	**N/A**	FACSIMILE NUMBER	**N/A**
E-MAIL ADDRESS	**NkeleN@pprotect.org**	E-MAIL ADDRESS	**thabangma@pprotect.org**

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				
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		**OR**	CENTRAL SUPPLIER DATABASE No: MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] ☐ Yes ☐ No	

[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?	☐Yes ☐No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR **THE GOODS /SERVICES /WORKS OFFERED?**	☐Yes ☐No [IF YES, ANSWER PART B:3]

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	☐ YES ☐ NO

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

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 IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
1.3.	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 SPECIAL CONDITIONS OF CONTRACT.
1.4.	**THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**
2.	**TAX COMPLIANCE REQUIREMENTS**
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7	NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

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

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....
(Proof of authority must be submitted e.g. company resolution)

DATE: .....

PUBLIC PROTECTOR SOUTH AFRICA

TERMS OF REFERENCE AND CONDITIONS OF BID

APPOINTMENT OF A SERVICE PROVIDER TO RENDER EMPLOYEE HEALTH AND WELLNESS PROGRAMME (EHWP) TO PUBLIC PROTECTOR SOUTH AFRICA (PPSA) FOR VARIOUS OFFICES OVER A PERIOD OF THREE (3) YEARS

BID NUMBER: PPSA 005/2019

COMPULSORY BREIFING SESSION DATE: 02 OCTOBER 2019

CLOSING DATE AND TIME OF BID: 18 OCTOBER 2019 AT 11:00 AM

BID VALIDITY PERIOD: 120 DAYS

PART A: TERMS OF REFERENCE

1. BACKGROUND

1. Public Protector South Africa (PPSA) is a Chapter 9 institution constituted under Section 182 of the Constitution of the Republic of South Africa, in which the PPSA has the power to:

1.1.1 Investigate any conduct in state affairs or in the public administration in any sphere of government that is alleged or suspected to be improper or that will result in impropriety or prejudice;

1.1.2 Report on that conduct; and

1.1.3 Take appropriate remedial action.

1.2 PPSA is independent and subject only to the Constitution and the law, always impartial and must exercise its powers and perform its functions without fear, favour or prejudice. PPSA is accountable to the National Assembly and must report on its activities and performance to the National Assembly at least once a year. PPSA has the power as regulated by the national legislation to investigate any conduct in state affairs, or in the public administration in any sphere of government that is alleged or suspected to be improper or to result in any impropriety or prejudice.

1.3 PPSA seeks to appoint a service provider for provision of Employee Health and Wellness Programme (EHWP) over a period of three (3) years.

2. PROBLEM STATEMENT AND PURPOSE

2.1 PPSA acknowledge that employees are affected by various elements/situations of life and they react to such situation in various ways. While the employee is affected and he/she respond to various situation, the employee is expected to perform optimally in the work situation.

2.2 The purpose of this tender is to appoint a suitable service provider to ensure that PPSA provide an effective Employee Health and Wellness Programme (EHWP) to all employees and their immediate family members for a period of three (3) years. The ultimate purpose of implementing an Employee Wellness programme is to address the psychosocial of wellbeing of employees and immediate family members with the objective of improving productivity in the workplace.

3. SCOPE OF WORK

3.1 The scope of the services must be undertaken within the framework set out in the Employee Health and Wellness Strategic Framework for the Public Service, best Practice models, service level agreement (SLA) signed with PPSA and the service provider in accordance with applicable Legislation as indicated below:

3.1.1 Occupational Health and Safety Act, No 29 of 1996

3.1.2 Labour Relations Act, No 66of 1995

3.1.3 Basic Condition of Employment Act, No 75 of 1997 or
3.1.4 Any other applicable legislation

4. DELIVERABLES

4.1 Employee Assistance Programme

4.1.1 The service provider shall provide an unlimited access of 24 hour personal support by the way of telephone and face to face counselling including an e-Care programme or any digital support.

4.1.2 The services required are for all PPSA employees (permanent and fixed term contract, including employees appointed on internship and trainee investigators) and their immediate families. Immediate family members refer to the employee's parents, parent in law, adoptive parent, grandchildren, grand parent, adopted child, step child and sibling.

4.1.2 The services must at all times be staffed by suitably qualified professionals (social workers, Psychologists, registered counsellors, medical, financial and legal practitioners) registered with their respective professional bodies.

4.1.3 This service should be available to PPSA employees on daily basis regardless of the time of the day and whether or not the day falls on a Public Holiday or weekend (24/7/365).

4.1.4 Employee logging a call must be afforded an opportunity to log a call in all eleven (11) South African official languages (Services to be available nationally). Continuous follow-up communication must be done with an individual until the matter is successfully resolved.

4.1.5 The telephone, face to face counselling and workshops to be provided in the following areas:

a) Stress, anxiety, depression and health issues
b) Marital, Divorce and Relationship problems/counselling
c) Debt Counselling and other financial advices. The financial services shall intend to help those employees who requires assistance with the management of debt and financial concerns.
d) Advice on legal matters. The legal service includes telephone legal advice, the provision of precedents as well as referrals to appropriate legal services and bodies. The legal service excludes legal representation in the court of law.
e) Family and Parenting concerns. The family care service shall support employees to cope with pressures of caring for their family members (including children with special educational needs and older or disabled relatives) by providing information and guidance and a wide range of childcare, elder care and disability issues. This includes educational workshops at the PPSA premises as required, limited to not more than one (1) workshop per annum.

f) Bereavement counselling.

g) Alcohol/Substance abuse and other drug dependencies.

h) Human Immune Deficiency virus (HIV) and Acquired immune deficiency syndrome (Aids), Tuberculosis (TB) and Sexually Transmitted Infection (STI) counselling and support.

i) Trauma and critical incident debriefing. A critical incidents services offering prompt and professional individual and group trauma debriefing and counselling services to employees exposed to incidents of trauma. Critical incidents services must be provided within 2 hours of traumatic incident.

j) For normal incidents should be responded to within twenty four (24) hours.

k) e-Care programme / digital support required to enhance and accelerate access to services such as online medical advice.

4.1.6 Referral for face to face counselling shall comprise of 1-6 counselling sessions per person per year (per condition) close to his her residence or place of work.

4.1.7 The service provider to design appropriate marketing and communication materials e.g EHWP brochures, wallet cards and posters. PPSA Communication unit must approve the material.

4.1.8 Review of the current health and wellness policies.

4.2 Reporting requirements

4.2.1 The service provider shall provide quarterly and annual reports to PPSA management with comprehensive, accurate analysis and interpretation of trends and problem profiles and possible intervention within fifteen (15) working days from end of the quarter or year to which the report relates.

4.2.2 The reports must contain amongst other the following:

4.2.2.1 Utilisation report including gender, province and problem category progress report, for new and repeat participants.

4.2.2.2 Any problem and behavioral risk / conditions identified during the quarter per province.

4.2.2.3 Plan to brief employee management and supervisors on the outcome of the quarterly reports on prevalent issues linked to the employee health and wellness programme.

4.2.2.4 Absenteeism analysis if any outlining the office or province involved as well as absenteeism trends.

4.2.2.5 Comparative statistics of the above mentioned points.

4.3 The appointed service provider must be in a position provide the report with the analysis of client usage and organizational health and welfare trends with recommendations on interventions to improve the health and wellbeing of PPSA employees e.g wellness related workshops.

4.4 To conduct pre-retirement workshop to PPSA employees at least a year prior retirement on as and when required basis.

4.5 Provide monthly desk drops on financial management, legal services and health and wellness. Telephone counselling for financial management and legal services / advice.

4.6 Management and Administration

4.6.1 The service provider together with PPSA to develop comprehensive plan to implement the EHWP objectives.

4.6.2 The service provider to provide quarterly organization consultancy meetings to ensure the effective implementation of EHWP, however the meetings may be ad-hoc as needs requires.

5. Estimated number of employees per office

Head Office = 193	Kuruman Regional Office = 5	Klerksdorp Regional Office = 5
Johannesburg Office = 26	Free State Office = 17	Western Cape Office = 22
Limpopo Office = 26	Phuthaditjhaba Regional Office = 4	George Regional Office = 3
Musina Regional Office = 4	Mpumalanga Office = 23	Eastern Cape Office = 19
Northern Cape Office = 16	North West Office = 21	Mthatha Regional Office = 5
Upington Regional Office = 6	Rustenburg Regional Office = 7	KwaZulu Natal Office = 20
		Pietermaritzburg Office = 2

6. PPSA physical addresses and estimated number of employees per office

HEAD OFFICE	PROVINCIAL OFFICES			
175 Lunnon Street Hillcrest Office Park, 0083 Pretoria	**FREE STATE** 169A Engen House Nelson Mandela Drive Bloemfontein	**GAUTENG** 26 Ameshoff Street Second Floor Mine Workers Provident Fund Building, Braamfontein	**KWAZULU-NATAL** 22ND Floor Suite 2114 Commercial City Building Durban	**WESTERN CAPE** 4th Floor 51 Wale str/Bree str Cape Town
EASTERN CAPE Unathi House Independent Avenue, Bisho Behind Pick 'n Pay	**LIMPOPO** 18 Landros Mare Street Polokwane 0700	**MPUMALANGA** Pinnacle Building Suite 101 1 Parking Street, Nelspruit	**NORTHERN CAPE** 4 Sydney Street Pretmax Building, 2nd & 4th Floor Kimberly 8300	**NORTH WEST** Public Protector' Chambers Cnr Martin & Robinson Street Mafikeng

REGIONAL OFFICES				
GEORGE 1st Floor South Wing Bataleur Park Cnr Cathedral & Cradock Str George, 6259	**KURUMAN** 1 Rose Avenue Shop 1 Kuruman 8460	**RUSTENBURG** Suit No 12 Old SARS Building 135 Klopper Street	**UPINGTON** Umbra Building 55-59 Mark Street Upington 8800	**PHUTHADITJHABA** Mampoi Street Shop No 1 Naledi Mall
MTHATHA No. 6 Knorf Street Fortgate Mthatha	**MUSINA** Vijays Centre 1 Hans Van Der Merwe Ave. Musina Externtion 1, 0900	**KLERKSDORP** 8th Floor, P C Pelser BLD Cnr. Anderson & Voortrekker street Klerksdorp, 2571	**PIETERMARITZBURG** Assupol Building, 1st Floor 221 Pietermaritzburg Str, Pietermaritzburg	

7. EVALUATION PROCESS:

The bid will be evaluated in three (4) phases as outlined below:

7.1 Phase1 evaluation : Bidders must **ensure that they** complete and sign documents as indicated below, and the documents must be submitted as part of the bid document by the closing date and time:

7.1.1 Signed SBD 1: Invitation to Bid letter

7.1.2 Signed SBD 4: Declaration of interest

7.1.3 Signed SBD 8: Declaration of bidder's past supply chain management practices

7.1.4 Signed SBD 9: Certificate of independent bid determination

7.1.5 Signed SBD 6.1: Preference Points claim form in terms of the Preferential Procurement Regulations 2017

7.1.6 Original or certified **valid** BBBEE certificate

7.2 Phase 2 evaluation: Below are mandatory required documents which must be submitted with the bid document and only bidders that have submitted all the documents will be evaluated for functionality. Non submission of all mandatory documents may disqualify the bidder.

7.2.1 Submission of proof that the bidder accredited with the statutory body which is Health Profession Council of South Africa (HPCSA) and /or Employee Assistant Professional Association of South Africa (EAPASA) and that the professionals utilised by the company must also be registered with the relevant health professional bodies (submit valid certificate or letter).

7.2.2 **The bidder must be registered on Central Supplier Database (CSD):** The bidder must ensure that their company is registered on CSD (attach the CSD report with the bid document or provide bidder CSD registration number).

7.2.3 Bidders to submit a confirmation letter on their company letter head indicating the period their company started providing EHWP.

7.3 Functionality

Bidders must score at least 60 points out of 100 points on functionality to be considered to phase three (3). Bidders who score less than 60 points on functionality will be regarded as non-responsive submission.

Criteria	Weight	Sub-criteria
Company number of years' experience in providing Employee Health and Wellness Programme (EHWP)	25/100	• The bidder with more than (5) years of experience in providing EHWP **= 5** • The bidder with more than 4 up to 5 years' experience in providing EHWP **= 4**

		• The bidder with more than 3 up to 4 years' experience in providing EHWP **= 3** • The bidder with more than 2 up to 3 years' experience in providing EHWP **= 2** • Bidder with at least 1-2 years' experience in providing EHWP **= 1** • Bidder with less than a year in providing EHWP **= 0**
Company experience: The bidder must submit signed reference letter/s from current and previous clients where EHWP services was successfully implemented. All letters must be on the company letter head of the referee and signed by the referee. **The reference letter must also indicated the number of employees for the client.** The referees must be contactable and the contact details provided must include: rees must be contactable and the contact details provided must include: ✓ Contact Person; ✓ Designation; ✓ Organisation/ Company name; ✓ E-mail address; and ✓ Cell number/Office number **NB: The reference letter will not be scored if the above information is not stated**	25/100	• The bidder submitted more than 4 signed reference letters with more than 400 employees combined **= 5** • The bidder submitted at least 4 signed reference letters with more than 350 up to 400 employees combined **= 4** • The bidder submitted at least 3 signed reference letters with more than 300 up to 350 employees combined **= 3** • The bidder submitted at least 2 signed reference letters with more than 250 up to 300 employees combined **= 2** • Bidder submitted at least 1 signed reference letter with 250 employees combined **= 1** • Bidder submitted at least 1 signed reference letter with less than 250 employees combined **= 0**
Bidder's capabilities to roll-out the project in all offices where the services are required in order to be able to meet the service level agreement • Bidder to submit a list of suitable qualified health, finance and legal	25/100	• If the bidder has social workers, psychologists, counsellors, legal and financial experts in all nine (9) Provinces of South Africa **= 5** • If the bidder has social workers, psychologists, counsellors, legal and financial experts in 7- 8 Provinces where the services are required **= 4** • If the bidder has social workers, psychologists, counsellors, legal and financial experts in 5-6 Provinces where the services are required **= 3**

professionals which the service provider has in place nationally (social worker's, psychologists, and counsellor's legal and financial experts). ***The list should be broken down according to provinces and all professionals must be registered with the relevant South African professional bodies (this information may be verified during the due diligence).***		• If the bidder has social workers, psychologists, counsellors, legal and financial experts in 3-4 Provinces where the services are required **= 2** • The bidder has social workers, psychologists, counsellors, legal and financial experts in 1-2 Provinces where the services are required **= 1**
Bidders to submit three ***(3) years roll out detailed project plan*** with proper timelines, milestones and the methodology on how the project will be implemented and managed. The bidder must demonstrate thorough understanding of the objectives and deliverables of this project. The bidder must provide a comprehensive action plan for the implementation including turnaround times on how this will be achieved. **The roll out plan and methodology should outline but not limited to the following:** ✓**Stage 1 Project initiation:** Initial meeting with the project manager and key stakeholders to discuss their needs and expectations (understanding of terms of reference) , and establish baselines for project scope, budget, and timeline. ✓ **Stage 2 Project planning:** How the needs, will be prioritized, setting out the	25/100	• If the bidder's proposal clearly demonstration expertise in all 6 project stages which will be outlined through a synopsis **= 5** • If the bidder's proposal clearly demonstration expertise in 5 project stages which will be outlined through a synopsis **= 4** • If the bidder's proposal clearly demonstration expertise only in 4 project stages which will be outlined through a synopsis **= 3** • If the bidder's proposal clearly demonstration expertise only in 3 project stages which will be outlined through a synopsis **= 2** • If the bidder's proposal clearly demonstration expertise only 2 project stages which will be outlined through a synopsis **= 1**

roadmaps, acceptance plan and how project goals will be accomplished. ✓ **Stage 3 Project implementation:** How milestones for essential deadlines and deliverables will be set and this must also outline how the progress will be tracked / monitored once work begins to ensure you complete key tasks on time. ✓ **Stage 4 Project scheduling:** Which must outline each deliverable and define the series of tasks that need to be completed in order to accomplish each one including timelines and dependencies. ✓ **Stage 5:** Outline how issues and risk will be identified upfront that will affect the project. ✓ **Stage 6:** Clear communication process and the project close up process		

7.4 Phase 3 evaluation: Only bidders that qualified through the functionality evaluations (scored at least 60%) will further be evaluated for **Pricing and BBBEE**: Price (80/100) and BBBEE (20/100)

7.4.1 Pricing and BBBEE

In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations 2017, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

Criteria	Weight	Sub-criteria
Total Price	80/100	Benchmark against lowest quote
Contribution to BBBEE	20/100	Points will be awarded to bidders according to their BBBEE status level of contributor as indicated in the BBBEE accreditation certification as indicated below:

BBBEE LEVELS	SCORES
Level 1	20
Level 2	18
Level 3	14
Level 4	12
Level 5	8
Level 6	6
Level 7	4
Level 8	2
Non- compliant Contributor	0

7.4.2 Bidders are required to complete the preference claim form (SBD 6.1), and submit their original and valid B-BBEE status level verification certificate or a certified copy thereof at the closing date and time of the bid in order to claim the B-BBEE status level point.

7.4.3 The points scored by a bidder in respect of the level of B-BBEE contribution will be added to the points scored for price.

7.4.4 Only bidders who have completed and signed the declaration part of the preference claim form and who have submitted a B-BBEE status level certificate issued by a registered auditor, accounting officer (as contemplated in section 60(4) of the Close Corporation Act, 1984 (Act no. 69 of 1984)) or an accredited verification agency will be considered for preference points.

7.4.5 Failure on the part of the bidder to comply with paragraphs 7.4.3 and 7.4.4 above will be deemed that preference points for B-BBEE status level of contribution are not claimed and will therefore be allocated a zero (0).

7.4.6 The points scored will be rounded off to the nearest 2 decimals.

7.4.7 In the event that two or more bids have scored equal total points, the contract will be awarded to the bidder scoring the highest number of preference points for B-BBEE.

7.4.8 However, when functionality is part of the evaluation process and two or more bidders have scored equal points including equal preference points for B-BBEE, the contract will be awarded to the bidder scoring the highest for functionality.

7.4.9 A contract may, on reasonable and justifiable grounds, be awarded to a bid that did not score the highest number of points.

PART B: CONDITIONS OF BID

8. Company profile

8.1 Bidders must furnish the following information clearly indicated per annexure regarding their company as part of the bid. Where not applicable, it must clearly be indicated as such:

8.1.1 Personnel complement, divided into -

8.1.1.1 Management personnel;

8.1.1.2 Supervisors; and

8.1.1.3 Workers. Full time: ..... Part time: .....

8.1.2 Composition in terms of shareholding

8.1.3 Address of Head Office.

8.1.4 Addresses of regional offices/branches

8.1.5 Bidders to indicate date from when the company commenced its operations.

8.1.6 Bidders to provide the details of completed contracts for the supply of employee health and wellness programme including the signed reference letters / contracts which were successfully completed within the past five (5) years, e.g. names of clients, contract period and value, and the names and telephone numbers of the persons with who contact can be made for reference purposes.

8.1.7 Bidders to indicate their company financial position i.e. annual turnover.

8.1.8 Bidders to submit the names, postal address and telephone number(s) of banker(s) and the name of the contact person where financial enquiries may be answered.

8.1.9 Bidders to submit the name, address and telephone number of auditor(s) and the name of the contact person where financial enquiries may be answered.

8.1.10 Bidders to indicate the name, identity numbers and street addresses of all partners must be indicated where persons, who are a partnership or a company / Joint Ventures / Consortium comprising a partnership, tender.

9. Mandatory requirements

9.1 The PPSA reserves the right to disqualify any bidder which does not comply with any one or more of the required information as indicated below:

9.1.1 If the bidder/s submit their bids without all the data and information requested.

9.1.2 Proposal that did not submit mandatory documents stipulated in the RFP document;

9.1.3 Proposal that fails to comply with the specification.

9.1.4 Proposal that contains any information that is found to be incorrect or misleading in anyway or Bidders who submit information that is fraudulent, factually untrue or inaccurate information.

9.1.5 Bidders who submit incomplete information and documentation according to the requirements of this RFP document;

9.1.6 Bidders who receive information not available to other potential bidders through fraudulent means;

9.1.7 Bidders must take into consideration that it is the responsibility and accountability for the supply of employee health and wellness programme will remain with the successful Bidder/s.

9.1.8 Bidders to submit their delivery methodology indicating how the entire contract will be handled over the three (3) year period.

10. PPSA reserve the rights:

10.1.1 Not to award or cancel this bid at any time

10.1.2 To negotiate with one or more Preferred or Reserved Bidders identified in the evaluation process, regarding any terms and conditions, including price without offering the same opportunity to any other Bidder who has not been awarded the status of the Preferred or Reserved Bidder.

10.1.3 To award in part or in full.

10.1.4 To negotiate prices of items that are contracted and should these items be available at a competitive price than the contracted price, PPSA will request the current bidder to reduce their price to be inline failing which; these will be purchase out of contract.

10.1.5 To cancel and/or terminate the bid process at any stage, including after the Closing Date and/or after presentations have been made, and/or after bids have been evaluated and/or after the Preferred Bidders have been notified of their status as such.

10.1.6 To carry out explanatory meetings in order to verify the nature and quality of the services bided for, whether before or after adjudication of the bid at bidder's corporate offices and / or at client sites if so required.

10.1.7 To award the contract to a Bidder whose bid was not the lowest in price.

10.1.8 To award the bid to a Bidder who is not the highest scoring Bidder.

10.1.9 To correct any mistakes at any stage of the bid that may have been in the bid documents or occurred at any stage of the bid process.

10.1.10 The PPSA is entitled to amend any bid conditions, bid validity period, RFP specifications, or extend the bid closing date, all before the bid closing date. All bidders, to whom the RFP documents have been issued and where the PPSA have record of such bidders, may be advised in writing of such amendments in good time and any such changes will also be posted on the PPSA's website under the relevant tender information. All prospective bidders should therefore

ensure that they visit the website regularly and before they submit their bid response to ensure that they are kept updated on any amendments in this regard.

10.1.11 The PPSA reserves the right not to accept the lowest priced bid or any bid in part or in whole. It normally awards the contract to the bidder who proves to be fully capable of handling the contract and whose bid is functionally acceptable and/or financially advantageous to the PPSA.

10.1.12 The PPSA reserves the right to request all relevant information, agreements and other documents to verify information supplied in the bid response.

10.1.13 The bidder hereby gives consent to the PPSA to conduct background checks, including FICA verification, on the bidding entity and any of its directors / trustees / shareholders / members

10.2 No attempt may be made, whether directly or indirectly, to canvass any member of PPSA employees before the award of the contract.

10.3 Any enquiries must be referred, in writing, to the specified persons.

11. Undertakings by the Bidder

11.1.1 By submitting a bid in response to the RFP, the bidder will be taken to offer to render all or any of the services described in the bid response submitted by it to the PPSA on the terms and conditions and in accordance with the specifications stipulated in this RFP document.

11.1.2 The bidder shall prepare for a possible presentation should PPSA require such and the bidder shall be notified before the actual presentation date. Such presentation may include a practical demonstration of services as called for in this RFP.

11.1.3 The bidder agrees that the offer contained in its bid shall remain binding upon him/her and receptive for acceptance by the PPSA during the bid validity period indicated in the RFP and calculated from the bid closing hour and date such offer and its acceptance shall be subject to the terms and conditions contained in this RFP document read with the bid.

11.1.4 The bidder furthermore confirms that he/she has satisfied himself/herself as to the correctness and validity of his/her bid response; that the price(s) and rate(s) quoted cover all the work/item(s) specified in the bid response documents; and that the price(s) and rate(s) cover all his/her obligations under a resulting contract for the services contemplated in this RFP; and that he/she accepts that any mistakes regarding price(s) and calculations will be at his/her risk.

11.1.5 The successful bidder accepts full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on him/her under the supply agreement and SLA to be concluded with PPSA, as the principal(s) liable for the due fulfilment of such contract.

11.1.6 The bidder accepts that all costs incurred in the preparation, presentation and demonstration of the solution offered by it shall be for the account of the bidder. All supporting documentation and manuals submitted with its bid will become PPSA property unless otherwise stated by the bidder/s at the time of submission.

12. Previous experience

12.1 Bidders must submit written and signed reference letter/s from current or previous client/s where employee health and wellness programme (EHWP) was successfully provided. Provide signed reference letters that indicates the following:

12.1.1 Value of the project,

12.1.2 Contract period and

12.1.3 The industry/sector were the contract was carried out.

12.2 Due diligence may be conducted to verify all information that has been provided on the shortlisted bidders.

13. Contract requirements

13.1 Contract period

The start date of the project implementation will be confirmed with the successful bidder upon contract negotiations. The initiative is based on deliverables. The supply of the employee health and wellness programme period is three (3) years subject to annual review of service provider's performance.

13.2 General terms and conditions of contract

Bidders must complete the attached the General Terms and Conditions of the contract.

14. Price basis

14.1 Bidders shall take into account that PPSA's total requirements will be allocated to one bidder.

14.2 Bidders shall quote prices in South African Rand and Value Added Tax shall be included.

14.2.1 For PPSA to be in a position to facilitate the evaluation of bids and the administration of the contract it is required that bidders must provide pricing including escalation for a period of three (3) years.

14.3 Bidders shall quote on the basis indicated in the Pricing Schedule.

14.4 Prices tendered for must be inclusive of all required deliverables as per specification.

14.5 PPSA requires an all-inclusive and fully transparent cost structure.

14.6 Where figures are referred to in numerals and in words and there is a conflict between the two, the words will prevail.

14.7 The successful bidder shall commit to the programme of continuous improvement, which will result in cost-efficiencies during the duration of the contract.

14.8 Bidders must warrant to PPSA and indicate that the pricing quoted is free of any errors or omissions and that the Bidder is able to deliver the contract on the prices quoted.

15. Payment terms

15.1 The standard 30 day payment period will apply on the payment of all invoices from receipt of valid invoice.

16. Tax clearance certificate

16.1 Government is committed to reducing supply chain related fraud and ensuring that persons conducting business with the State are not afforded any scope to abuse the supply chain management system.

16.2 It is therefore essential to ensure that persons conducting business with the State are tax compliant when participating in tenders or other bidding processes. On 18 April 2016, the South African Revenue Service (SARS) introduced an enhanced TCS system aimed at improving compliance and making it easier for taxpayers to manage their tax affairs.

16.3 Implementation of the tax compliance status system

16.3.1 In order to comply with the new TCS system and the condition of bids that a successful bidder's tax matters must be in order, Accounting Officers and accounting authorities of all PFMA complaint institutions must:

16.3.1.1 Designated officials, preferably from Supply Chain Management Unit, whose function will be to verify the tax compliance status of a bidder on the South African Revenue Services' Tax compliance status system housed on eFilling.

16.3.1.2 Utilise the SBD1 issued by National Treasury when inviting bids,

16.3.1.3 As a bid condition, accounting officer or accounting authorities must request bidders to register on Government's Central Supplier Database and to include in their bid their Master Registration Number (Supplier Number) in order to enable the institution to verify the supplier's tax status on the Central Supplier Database.

16.4 The CSD and tax compliance status PIN are the approved methods to be used to prove tax compliance as the South African Revenue Services (SARS) no longer issues Tax Clearance Certificates but has made provision online, via e-Filing, for bidders to print their own Tax Clearance Certificates which they can submit with their bids or price quotations.

16.5 Accounting Officers are therefore required to accept printed or copies of Tax Clearance Certificates submitted by bidders and verify their authenticity on e-Filing. The verification result will be filed for audit purposes.

16.6 Where a bidder does not submit a tax compliance status PIN but provides a Central Supplier

Database (CSD) number, the accounting officer and accounting authority must utilise the CSD number via its website www.csd.gov.za to access the supplier records and to verify the bidder's tax compliance status. A printed screen view at the time of verification should then be attached to the supplier's records for audit purposes.

17. Counter Conditions

Bidder's attention is drawn to the fact that amendments to any of this condition of bid by bidders may results in the invalidation of the bids.

18. Fronting

18.1 The PPSA support the Broad Black Based Economic Empowerment and recognises that the real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Based on the above (PPSA) condemns any form of fronting.

18.2 The PPSA, in ensuring that bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct or initiate the necessary enquiries/investigations to determine the accuracy of the representation made in the bid documents. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the Department of Trade and Industry, be established during such enquiry /investigation, the onus will be on the bidder / contractor to prove that fronting does not exist. Failure to do so within a period of 14 days from date of notification may invalidate the bid/contract and may also result in the restriction of the bidder /contractor to conduct business with the public sector for a period not exceeding ten years. The matter may be reported to the National Prosecuting Authority (NPA) for criminal investigation and charges in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

19. Promotion of Emerging Black owned bidders

19.1 It is the PPSA's objective to promote transformation across all industries and/ or sectors of the South African economy and as such, bidders are encouraged to partner with a black owned entity (being 50%+1 black owned and controlled). Such partnership may include the formation of a Joint Venture and/ or subcontracting agreement etc., where a portion of the work under this tender would be undertaken by black owned entities. To give effect to this requirement, bidders are required to submit a partnership / subcontracting proposal detailing the portion of work to be outsourced, level of involvement of the black owned partner and where relevant, submit a consolidated B-BBEE scorecard in-line with the provisions of the PPPFA Regulations which will

be considered as part of the B-BBEE scoring.

20. Supplier Performance Management

20.1. Supplier Performance Management is viewed by the PPSA as a critical component in ensuring value for money acquisition and good supplier relations between the PPSA and all its suppliers.

20.2. The successful bidder shall upon receipt of written notification of an award, be required to conclude a Service Level Agreement (SLA) with the PPSA, which will form an integral part of the supply agreement. The SLA will serve as a tool to measure, monitor and assess the supplier's performance and ensure effective delivery of service, quality and value-add to PPSA's business.

20.3. Successful bidders will be required to comply with the above-mentioned conditions, and also provide a scorecard on how their product / service offering is being measured to achieve the objectives of these conditions.

21. Supplier Development

21.1. The PPSA promotes enterprise development. In this regard, successful bidders may be required to mentor SMMEs and/ or designated group which are at least 51% owned by:

21.1.1 black people

21.1.2 black people who are youth

21.1.3 black people who are women

21.1.4 black people that formed a cooperative (primary, secondary or tertiary cooperative) or

21.1.5 black people living in rural areas or underdeveloped area or township.

22. Screening

22.1 Acceptance of this bid may be subject to the condition that the successful bidder must be cleared by the appropriate authorities to render the service within the organ of the state.

23. PPSA requires bidder(s) to declare

In the Bidder's Technical response, Bidder(s) are required to declare the following:

23.1 Confirm that the bidder(s) is to: –

23.1.1 Act honestly, fairly, and with due skill, care and diligence, in the interests of PPSA;

23.1.2 Have and employ effectively the resources, procedures and appropriate technological systems for the proper performance of the services;

23.1.3 Act with circumspection and treat PPSA fairly in a situation of conflicting interests;

23.1.4 Comply with all applicable statutory or common law requirements applicable to the conduct of business;

23.1.5 Make adequate disclosures of relevant material information including disclosures of actual or potential own interests, in relation to dealings with PPSA;

23.1.6 Avoidance of fraudulent and misleading advertising, canvassing and marketing;

23.1.7 To conduct their business activities with transparency and consistently uphold the interests and needs of PPSA as a client before any other consideration; and

23.1.8 To ensure that any information acquired by the bidder(s) from PPSA will not be used or disclosed unless the written consent of the client has been obtained to do so.

24. Conflict of interest, corruption and fraud

24.1 PPSA reserves its right to disqualify any bidder who either itself or any of whose members (save for such members who hold a minority interest in the bidder through shares listed on any recognised stock exchange), indirect members (being any person or entity who indirectly holds at least a 15% interest in the bidder other than in the context of shares listed on a recognised stock exchange), directors or members of senior management, whether in respect of PPSA or any other government organ or entity and whether from the Republic of South Africa or otherwise ("Government Entity")

24.1.1 Engages in any collusive tendering, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other bidder in respect of the subject matter of this bid;

24.1.2 Seeks any assistance, other than assistance officially provided by PPSA, from any employee, advisor or other representative of PPSA in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to PPSA;

24.1.3 Makes or offers any gift, gratuity, anything of value or other inducement, whether lawful or unlawful, to any of PPSA's officers, directors, employees, advisors or other representatives;

24.1.4 Makes or offers any gift, gratuity, anything of any value or other inducement, to any PPSA's officers, directors, employees, advisors or other representatives in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to PPSA;

24.1.5 Accepts anything of value or an inducement that would or may provide financial gain, advantage or benefit in relation to procurement or services provided or to be provided to PPSA;

24.1.6 Pays or agrees to pay to any person any fee, commission, percentage, brokerage fee, gift or any other consideration, that is contingent upon or results from, the award of any tender, contract, right or entitlement which is in any way related to procurement or the rendering of any services to PPSA;

24.1.7 Has in the past engaged in any matter referred to above; or

24.1.8 Has been found guilty in a court of law on charges of fraud and/or forgery, regardless of whether or not a prison term was imposed and despite such bidder, member or director's name not specifically appearing on the List of Tender Defaulters kept at National Treasury.

25. Misrepresentation

25.1 The bidder should note that the terms of its Tender will be incorporated in the proposed contract by reference and that PPSA relies upon the bidder's Tender as a material representation in making an award to a successful bidder and in concluding an agreement with the bidder.

25.2 It follows therefore that misrepresentations in a Tender may give rise to service termination and a claim by PPSA against the bidder notwithstanding the conclusion of the Service Level Agreement between PPSA and the bidder for the provision of the Service in question. In the event of a conflict between the bidder's proposal and the Service Level Agreement concluded between the parties, the Service Level Agreement will prevail.

26. Preparation costs

26.1 The Bidder will bear all its costs in preparing, submitting and presenting any response or Tender to this bid and all other costs incurred by it throughout the bid process. Furthermore, no statement in this bid will be construed as placing PPSA, its employees or agents under any obligation whatsoever, including in respect of costs, expenses or losses incurred by the bidder(s) in the preparation of their response to this bid.

27. Indemnity

27.1 If a bidder breaches the conditions of this bid and, as a result of that breach, PPSA incurs costs or damages (including, without limitation, the cost of any investigations, procedural impairment, repetition of all or part of the bid process and/or enforcement of intellectual property rights or confidentiality obligations), then the bidder indemnifies and holds PPSA harmless from any and all such costs which PPSA may incur and for any damages or losses PPSA may suffer.

28. Precedence

28.1 This document will prevail over any information provided during any briefing session whether oral or written, unless such written information provided, expressly amends this document by reference.

29. Limitation of liability

29.1 A bidder participates in this bid process entirely at its own risk and cost. PPSA shall not be liable to compensate a bidder on any grounds whatsoever for any costs incurred or any damages suffered as a result of the Bidder's participation in this Bid process.

30. Tender defaulters and restricted suppliers

30.1 No tender shall be awarded to a bidder whose name (or any of its members, directors, partners or trustees) appear on the Register of Tender Defaulters kept by National Treasury, or who have been placed on National Treasury's List of Restricted Suppliers. PPSA reserves the right to withdraw an award, or cancel a contract concluded with a Bidder should it be established, at any time, that a bidder has been listed as defaulted with National Treasury by another government institution.

31. Governing Law

31.1 South African law governs this bid and the bid response process. The bidder agrees to submit to the exclusive jurisdiction of the South African courts in any dispute of any kind that may arise out of or in connection with the subject matter of this bid, the bid itself and all processes associated with the bid.

32. Responsibility for sub-contractors and bidder's personnel

32.1 A bidder is responsible for ensuring that its personnel (including agents, officers, directors, employees, advisors and other representatives), its sub-contractors (if any) and personnel of its sub-contractors comply with all terms and conditions of this bid. In the event that PPSA allows a bidder to make use of sub-contractors, such sub-contractors will at all times remain the responsibility of the bidder and PPSA will not under any circumstances be liable for any losses or damages incurred by or caused by such sub-contractors.

33. Confidentiality

33.1 Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, no information contained in or relating to this bid or a bidder's tender(s) will be disclosed by any bidder or other person not officially involved with PPSA 's examination and evaluation of a Tender.

33.2 No part of the bid may be distributed, reproduced, stored or transmitted, in any form or by any means, electronic, photocopying, recording or otherwise, in whole or in part except for the purpose

of preparing a Tender. This bid and any other documents supplied by PPSA remain proprietary to PPSA and must be promptly returned to PPSA upon request together with all copies, electronic versions, excerpts or summaries thereof or work derived there from.

33.3 Throughout this bid process and thereafter, bidder(s) must secure PPSA's written approval prior to the release of any information that pertains to (a) the potential work or activities to which this bid relates; or (b) the process which follows this bid. Failure to adhere to this requirement may result in disqualification from the bid process and civil action.

34. Proposal documents

34.1 No bids submitted by Facsimile, telegram, email will be considered. It is the bidder's sole responsibility to ensure that the complete bid has been received by the Closing Date and Time. Giving the bid to a courier prior to the Closing Date without actual receipt by PPSA before the Closing Date and Time will not excuse the late delivery of a bid.

34.2 If a courier service company is being used for delivery of the bid response, the bid description must be endorsed on the delivery note/courier packaging and the courier must ensure that documents are placed / deposited into the bid box. **The PPSA will not be held responsible for any delays where bid documents are handed to the PPSA Receptionist.**

34.3. Where a bid response is not in the bid box at the time of the bid closing, such a bid document will be regarded as a late bid. **It is the PPSA's policy not to consider late bids for tender evaluation.**

34.4 All documents and correspondence must be in English, failure to comply, the bid proposal will not be evaluated.

34.4.1Proposals must be compiled in the following manner:

34.1.1.1 One (1) original proposal (marked 'original') must be submitted and should not be retyped and one electronic copies (on CD)

34.1.1.2 Two (2) copies of the proposal (marked 'copy') must be submitted;

31.4.1.3 All Annexures, company profiles, CV's, etc., shall form part of the **'ORIGINAL'** as well as the **'COPY'** proposals.

34.1.2 All proposals must be delivered **sealed.** The following information shall appear on the outside of the sealed proposal be placed in the bid box at the Main Reception area at, 175 Lunnon Street, Hillcrest Office Park, Hillcrest, Pretoria:

34.1.3 Name of bidder;

34.1.4 Description of proposal;

34.1.5 Bid / tender number;

34.1.6 Closing date and time;

34.1.7 The name and address of the Bidder must be written on the front or back side of the proposal/envelope.

34.2 Bids submitted by bidders which are, or are comprised companies must be signed by a person or persons duly authorised thereto by a resolution of the applicable Board of Directors, a copy of which Resolution, duly certified, must be submitted with the bid.

34.3 The bidder should check the numbers of the pages of its bid to satisfy itself that none are missing or duplicated. No liability will be accepted by PPSA in regard to anything arising from the fact that pages of a bid are missing or duplicated.

35. Consultation prior to submission of the bid documents

Bidders shall consult, **in writing**, with the PPSA's officials indicated below should there appear to be any discrepancy, ambiguity or uncertainty pertaining to the meaning or effect of any description, dimension, quality, quantity or any other information contained in this bid. PPSA undertakes to provide clarification in writing to all Bidders, provided that the request is received prior to the closing date and time for clarifications.

Officials	Location	Contact Details
Nkele Nemusimbori / Thabang Maswi	Public Protector South Africa 175 Lunnon Street Hillcrest Office Park Pretoria	Tel: 012 366 7014 / 7151 Email: nkelen@pprotect.org thabangma@pprotect.org

36. Clarifications and communication

36.1 Bidders are encouraged to submit clarification questions in writing to Public Protector South Africa (PPSA) officials mentioned above not later than **11H00 on the 7th of October 2019.** No further questions will be entertained after this period.

36.2 The PPSA will respond in writing to queries and distribute to all bidders who attended the briefing session after receipt of questions.

36.3 The PPSA may respond to any enquiry in its absolute discretion and the bidder acknowledges that it will have no claim against the PPSA on the basis that its bid was disadvantaged by lack of information, or inability to resolve ambiguities.

36.4 Oral communication or instruction by PPSA or its representative shall have no standing in this bid unless and until they have been confirmed in writing.

36.5 PPSA accepts no responsibility for the failure of any bidder not receiving notifications or correspondence relating to this bid.

36.6 Whilst all due care has been taken in connection with the preparation of this bid, PPSA makes no representations or warranties that the content of the bid or any information communicated to or provided to Bidder(s) during the bidding process is, or will be, accurate, current or complete. PPSA, and its employees and advisors will not be liable with respect to any information communicated which may not accurate, current or complete.

36.7 If Bidder(s) finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this bid or any other information provided by PPSA (other than minor clerical matters), the Bidder(s) must promptly notify PPSA in writing of such discrepancy, ambiguity, error or inconsistency in order to afford PPSA an opportunity to consider what corrective action is necessary (if any).

36.8 Any actual discrepancy, ambiguity, error or inconsistency in the bid or any other information provided by PPSA will, if possible, be corrected and provided to all Bidder(s) without attribution to the Bidder(s) who provided the written notice.

36.9 All persons (including Bidder(s)) obtaining or receiving the bid and any other information in connection with the Bid or the Tendering process must keep the contents of the Bid and other such information confidential, and not disclose or use the information except as required for the purpose of developing a proposal in response to this Bid.

37. NB: COMPULSORY BRIEFING SESSION WILL BE HELD AT:

PPSA Head Office Conference room
Briefing session date: 02 October 2019 @11h00 AM
175 Lunnon Street,
Hillcrest Office Park,
Hillcrest,
Pretoria

38. BIDDER DECLARATION

The bidder hereby declares the following:

We confirm that _____ (Bidder's Name) will:

a. Render employee health and wellness programme (EHWP) to all PPSA offices on request.

b. Act honestly, fairly, and with due skill, care and diligence, in the interests of the PPSA;

c. Employ effectively the resources, procedures and appropriate technological systems for the proper performance of the services;

d. Act with circumspection and treat PPSA fairly in a situation of conflicting interests;

e. Comply with all applicable statutory or common law requirements applicable to the conduct of business;

f. Make adequate disclosures of relevant material information including disclosures of actual or potential own interests, in relation to dealings with PPSA;

g. Avoid fraudulent and misleading advertising, canvassing and marketing;

h. Conduct business activities with transparency and consistently uphold the interests and needs of PPSA as a client before any other consideration; and

i. Ensure that any information acquired by the bidder(s) from PPSA will not be used or disclosed unless the written consent of the client has been obtained to do so.

Signature:

_____ Date: _____

Print Name of Signatory: _____ Designation _____

FOR AND ON BEHALF OF

_____

CONTENTS OF THIS DOCUMENT IS NOTED: .....
SERVICE PROVIDERS INITIALS / SIGNATURE Important: Failure to complete/sign/initial this document in original ink will invalidate your tender!! Failure to sign/initial any alterations or corrections made may also invalidate your tender!! The use of any correction fluid, tape or similar products may invalidate your tender submission!

PUBLIC PROTECTOR SOUTH AFRICA

DETAILED PRICING SCHEDULE

BID NUMBER: PPSA 005/2019

CLOSING DATE AND TIME OF BID: 18 OCTOBER 2019 AT 11:00

BID VALIDITY PERIOD: 120 DAYS

PROJECT COST STRUCTURE

Bidders shall:

- Quote rates that **include** value added tax;
- Quote rates that **include** the cost of all labour, equipment, materials and consumables required to execute the service as described in specification;
- Bidders are required to quote exactly according to a template below. Base your quotation on 411 employees and cost must include all expenses, 15% VAT and escalations. Kindly note quantities given are indicative for PPPFA comparison purposes. Actual quantities may either increase or decrease.

ID	Employee Health and Wellness programme (EHWP) required services	Estimated Quantity	Year 1 Monthly cost including 15% VAT	Year 1 Annual Cost including 15% VAT	Year 2 Monthly cost including 15% VAT	Year 2 Annual Cost including 15% VAT	Year 3 Monthly cost including 15% VAT	Year 3 Annual Cost including 15% VAT
1.	1. The bidder must provide costing which is in line with the terms of reference (specification) document. 1.1 The unlimited services must cover telephone, face to face counselling and workshops to be provided in the following areas: a) Stress, anxiety, depression and health issues b) Marital, Divorce and Relationship	411 employees	R	R	R	R	R	R

	problems/counselling c) Debt Counselling and other financial advices. The financial services shall intend to help those employees who requires assistance with the management of debt and financial concerns. d) Advice on legal matters. The legal service includes telephone legal advice, the provision of precedents as well as referrals to appropriate legal services and bodies. The legal service excludes legal representation in the court of law. e) Family and Parenting concerns. The family care service shall support employees to cope with pressures of caring for their family members							

	(including children with special educational needs and older or disabled relatives) by providing information and guidance and a wide range of childcare, elder care and disability issues. This includes educational workshops at the PPSA premises as required, limited to not more than one (1) workshop per annum. f) Bereavement counselling. g) Alcohol/Substance abuse and other drug dependencies. h) Human Immune Deficiency virus (HIV) and Acquired immune deficiency syndrome (Aids), Tuberculosis (TB) and Sexually Transmitted Infection (STI) counselling and support.							

	i) Trauma and critical incident debriefing. A critical incidents services offering prompt and professional individual and group trauma debriefing and counselling services to employees exposed to incidents of trauma. Critical incidents services must be provided within 2 hours of traumatic incident. j) For normal incidents should be responded to within twenty four (24) hours. k) e-Care programme / digital support required to enhance and accelerate access to services such as online medical advice. 1.2 Referrals The referral for face to face counselling shall comprise of 1-6 counselling sessions per person							

	per year (per condition) close to his her residence or place of work. 1.3 The service provider to design appropriate marketing and communication materials e.g EHWP brochures, wallet cards and posters. PPSA Communication unit must approve the material. 1.4 Review of the current health and wellness policies. 1.5 The appointed service provider must be in a position provide the report with the analysis of client usage and organizational health and welfare trends with recommendations on interventions to improve the health and wellbeing of PPSA employees e.g wellness related workshops. 1.6 To conduct pre-retirement workshop to PPSA employees at least a year prior retirement on as and when required basis.							

Item	Description of service	Price including all expenses;15% VAT and escalations						
2.	Any other costs (bidders to specify)							
3.	**Total (including all expenses; 15% VAT and escalations) (Year 1 + Year 2 + Year 3) R**							

Total Cost over 3 years (Including 15% VAT and escalations) in words:

.....

NB: The Bidder warrants by signing below that the pricing quoted above is free of any errors or omissions and that he/she is able to deliver the contract on the prices quoted.

SIGNATURE OF DELEGATE :.....

NAME OF DELEGATED SIGNATORY (PRINT) :.....
in his capacity as

DESIGNATION OF SIGNATORY (PRINT):.....
who warrants his authority to sign on behalf of

NAME OF BIDDER (COMPANY) :.....

DATE :.....

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER: .....BID NO.: **PPSA 005/2019**

CLOSING TIME: **11:00** CLOSING DATE: **18 OCTOBER 2019**

OFFER TO BE VALID FOR **120** DAYS FROM THE CLOSING DATE OF BID.

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

APPOINTMENT OF A SERVICE PROVIDER TO RENDER EMPLOYEE HEALTH AND WELLNESS PROGRAMME (EHWP) TO PUBLIC PROTECTOR SOUTH AFRICA (PPSA) FOR VARIOUS OFFICES OVER A PERIOD OF THREE (3) YEARS

1. The accompanying information must be used for the formulation of proposals.

2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project. R.....

3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

4. PERSON AND POSITION

	HOURLY RATE	DAILY RATE
----------	R----------	----------
----------	R----------	----------
----------	R----------	----------
----------	R----------	----------
----------	R----------	----------

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

----------	R----------	---------- days
----------	R----------	---------- days
----------	R----------	---------- days
----------	R----------	---------- days

5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
----------	.....	.....	R.....
----------	.....	.....	R.....
----------	.....	.....	R.....
----------	.....	.....	R.....

TOTAL: R.....

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

Bid No.: .....

Name of Bidder: .....

5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
----------	.....	.....	R.....
----------	.....	.....	R.....
----------	.....	.....	R.....
----------	.....	.....	R.....

TOTAL: R.....

6. Period required for commencement with project after acceptance of bid .....

7. Estimated man-days for completion of project .....

8. Are the rates quoted firm for the full period of contract? *YES/NO

9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index. .....

.....

.....

.....

*[DELETE IF NOT APPLICABLE]

Any enquiries regarding bidding procedures may be directed to the –

Name: Nkele Nemusimbori
Tel:012-3667014 or Nkelen@pprotect.org

And Technical matters:

Name: Ms. Thabang Maswi
Tel: 012 366 7079 or Thabangma@pprotect.org

ANNEXURE B

SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state[1], 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 an advertised competitive bid, a limited bid, a proposal or written price quotation). 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[2], member): .....

2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust: .....

2.5 Tax Reference Number: .....

2.6 VAT Registration Number: .....

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below.

[1]"State" means –

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

[2]"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over

the enterprise.

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

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: .....
Name of state institution at which you or the person connected to the bidder is employed : .....
Position occupied in the state institution: .....

Any other particulars:
.....
.....
.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

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

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

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

.....
.....
.....

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

2.8.1 If so, furnish particulars:
.....
.....
.....

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

2.9.1 If so, furnish particulars.

.....
.....
.....

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

2.10.1 If so, furnish particulars.

.....
.....
.....

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

2.11.1 If so, furnish particulars:

.....
.....
.....

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

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

4 DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

....

Signature Date

....

Position Name of bidder

November 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

1.2

a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the .....80/20..... preference point system shall be applicable;

1.3 Points for this bid shall be awarded for:

(a) Price; and

(b) B-BBEE Status Level of Contributor.

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

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

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

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

2. DEFINITIONS

(a) **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

(b) **"B-BBEE status level of contributor"** means the B-BBEE status of an entity in

terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

(c) **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;

(d) **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

(e) **"EME"** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(f) **"functionality"** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.

(g) **"prices"** includes all applicable taxes less all unconditional discounts;

(h) **"proof of B-BBEE status level of contributor"** means:

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:

80/20

$$Ps = 80\left(1 - \frac{Pt - P\min}{P\min}\right)$$

Where

Ps = Points scored for price of bid under consideration

Pt = 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		NO	

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted.....%

ii) The name of the sub-contractor.....

iii) The B-BBEE status level of the sub-contractor.....

iv) Whether the sub-contractor is an EME or QSE
(***Tick applicable box***)

YES		NO	

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

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

8. **DECLARATION WITH REGARD TO COMPANY/FIRM**

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....
.....
.....

8.6 COMPANY CLASSIFICATION

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

[*TICK APPLICABLE BOX*]

8.7 Total number of years the company/firm has been in business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

i) The information furnished is true and correct;

ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

(a) disqualify the person from the bidding process;

(b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

(c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

(d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and

(e) forward the matter for criminal prosecution.

WITNESSES	
1.	.....
2.	SIGNATURE(S) OF BIDDERS(S)
	DATE: .....
	ADDRESS .....
	.....
	.....

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1 This Standard Bidding Document must form part of all bids invited.

2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.

3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-

a. abused the institution's supply chain management system;
b. committed fraud or any other improper conduct in relation to such system; or
c. failed to perform on any previous contract.

4 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? **(Companies or 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 *audi alteram partem* rule was applied).** The Database of Restricted Suppliers now resides on the National Treasury's website(**www.treasury.gov.za**) and can be accessed by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? **The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.**	Yes ☐	No ☐
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 ☐
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 ☐	No ☐
4.4.1	If so, furnish particulars:		

SBD 8

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)..... CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Standard Bidding Document (SBD) must form part of all bids[1] 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:

PPSA 005/2019 (Appointment of a service provider to render Employee Health and Wellness Programme (EHWP) to Public Protector South Africa (PPSA) for various offices over a period of three (3) years

_____

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

SBD 9

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[3] will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
   (a) prices;
   (b) geographical area where product or service will be rendered (market allocation)
   (c) methods, factors or formulas used to calculate prices;
   (d) the intention or decision to submit or not to submit, a bid;
   (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
   (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

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