



## REQUEST FOR QUOTATION

**You are hereby invited to submit quotation for the requirements of the Financial and Fiscal Commission**

<b>RFQ Number:</b>	RFQ:220401	<b>RFQ validity period:</b>	30 days from closing date
<b>Date Issued:</b>	08 April 2022	<b>Submission (only):</b>	<a href="mailto:procurementJM@ffc.co.za">procurementJM@ffc.co.za</a>
<b>Closing date:</b>	13 April 2022	<b>Enquiries e-mail(only):</b>	Ms Rushdah Abrahams <a href="mailto:Rushdah.Abrahams@ffc.co.za">Rushdah.Abrahams@ffc.co.za</a>  Ms Buhle Ngidi <a href="mailto:buhle.ngidi@ffc.co.za">buhle.ngidi@ffc.co.za</a>
<b>Closing time:</b>	11h00am		
<b>Services Required:</b>	See Terms of Reference		
<b>Delivery address for goods and/or services:</b>	Midrand Offices: 2 <sup>nd</sup> Floor, Montrose Place, Waterfall Park, Bekker Street, Vorna Valley, Midrand.		

### PROCUREMENT OF CATERING SERVICES.

#### TERMS AND CONDITIONS OF REQUEST FOR QUOTATION (RFQ)

1. The FFC's standard conditions of purchase shall apply.
2. Late and incomplete submissions will not be accepted.
3. Bidders are required to be tax compliant for all price quotations. It is the responsibility of the bidder to ensure that the FFC is in possession of the bidder's Central Suppliers Database Supplier number. Validation of tax status will be confirmed through the CSD.
4. No services may be rendered, or goods delivered before an official FFC Purchase Order has been issued and received.
5. The successful bidder will be expected to sign a service level agreement (SLA) soon after the Purchase Order is issued and received (where applicable).
6. Nothing in the RFQ or in the actions of FFC officials or employees must be construed as creating any expectation, legitimate or otherwise, regarding matters dealt with in the RFQ or any other matters not raised in the RFQ.



**BIDDER DETAILS:**

<b>Bidder/Company name</b>	
<b>CSD Supplier Number:</b>	
<b>Contact person:</b>	
<b>Contact number:</b>	

I, the undersigned (NAME).....certify that:

- a. I have read and understood the conditions of this RFQ.
- b. I have supplied the required information and the information submitted as part of this RFQ is true and correct.

.....  
Signature

.....  
Date

.....  
Capacity



## 1. PURPOSE

The purpose is to procure Catering Services for the Oversight Visits meeting that will take place on the 22<sup>nd</sup> of April 2022 Friday, FFC is looking for a professional service provider who will be able to cater for Fifty-five (55) people. It is advisable that the appointed bidder be available onsite at 08h30am to prepare for the refreshments to be served as per the below menu.

These Terms of Reference invite potential Service Providers that possess the necessary experience and capabilities to submit a proposal. Request for quotation documents can be downloaded from the FFC's website: [www@ffc.co.za/](http://www@ffc.co.za/) **Bid Number: RFQ220401**

## 2. DESCRIPTION OF SERVICES

FFC is looking for Catering Services for the Oversight Visit meeting that will take place on Friday, the 22<sup>nd</sup> of April 2022, for one (1) day as per the below detailed menu:

### **OVERSIGHT VISIT MEETING**

**MENU: 22<sup>nd</sup> OF APRIL 2022: VENUE: FFC MIDRAND OFFICE**

**NO OF PERSONS: FIFTY-FIVE (55)**

<b>TEA BREAK-10H00</b>	<b>LUNCH-13H00</b>
<ul style="list-style-type: none"><li>• Selection of muffins, assorted wraps, and sandwiches with various fillings</li><li>• Fresh sliced seasonal fruit platter, yoghurt, and nuts</li><li>• 54x Muesli cups</li><li>• 1 x separate vegan breakfast</li><li>• 5 litre fresh orange juice</li><li>• 5 litre fresh berry juice</li><li>• 55 x 500ml still bottled water</li><li>• 5 x 500ml sparkling bottled water</li></ul>	<ul style="list-style-type: none"><li>• Chicken biryani</li><li>• Grilled/ fried fish</li><li>• Garlic bread</li><li>• Roast vegetables with baby potatoes</li><li>• Green salad</li><li>• 60 assorted cans cold drinks (mixed tab, sprite zero, coke zero, grapetiser, and appletiser)</li><li>• 1 x separate vegan meal (aligned to the above menu)</li></ul>



	<ul style="list-style-type: none"> <li>• 1 x separate halal meal (aligned to the above menu)</li> </ul>
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**NOTE:**

1 x halal, 1 x vegan

**\*\*Please ensure the below requirements:**

- Breakfast served in platters
- Lunch served as warm in bain maries – buffet presentation
- Beverages are served as chilled
- All crockery and cutlery to be included

**3. EVALUATION CRITERIA**

The evaluation of this tender will be done in two stages namely,

Stage 1: Mandatory Requirements

Stage 2: Bidders will be evaluated on Price only.

**3.1. STAGE 1 – MANDATORY REQUIREMENTS**

**Standard bidding documents and other eligibility criteria:**

No	Compulsory Documents to be submitted
1	Completed and signed pricing schedule <i>(with a permanent ink)</i>
2	Signed and Completed Standard Bid Documents (SBD 1, 4, 8 and 9) Forms

**KINDLY NOTE THAT, FAILURE TO SUBMIT THE REQUIRED MANDATORY DOCUMENTATION WITH THE BID WILL RESULT IN YOUR BID BEING DISQUALIFIED WITHOUT FURTHER CONSIDERATION.**

**ADDITIONAL INFORMATION**

Proof of registration with CSD or proof of capability to register with CSD
Annexure A POPIA Compliance (completed and signed)



### 3.2. STAGE 3- PRICE

#### Pricing Schedule:

3.2.1 The financial proposal for the work to be carried out must be inclusive of VAT.

3.2.2 The quotation must be valid for a minimum of thirty (60) days.

**NB\* PPPFA regulation will not be applicable for this bid as the organs of state were prohibited to use it by the National Treasury till clarification been granted.**

**Bidders are required to complete the pricing schedule and sign.**

#### PRICE MENU

TEA BREAK-10H00	Quantity	Total Price
<ul style="list-style-type: none"> <li>• Selection of muffins, assorted wraps, and sandwiches with various fillings</li> <li>• Fresh sliced seasonal fruit platter, yoghurt, and nuts</li> <li>• 54x Muesli cups</li> <li>• 1 x separate vegan breakfast</li> </ul>	55	R
	1	R
<ul style="list-style-type: none"> <li>• 5 litre fresh orange juice</li> <li>• 5 litre fresh berry juice</li> <li>• 55 x 500ml still bottled water</li> <li>• 5 x 500ml sparkling bottled water</li> </ul>	1	R
	1	R
	55	R
	5	R
LUNCH-13H00	Quantity	Total Price
<ul style="list-style-type: none"> <li>• Chicken biryani</li> <li>• Grilled/ fried fish</li> <li>• Garlic bread</li> <li>• Roast vegetables with baby potatoes</li> </ul>	53	R



• Green salad		
• 1 x separate vegan meal (aligned to the above menu)	1	R
• 1 x separate halal meal (aligned to the above menu)	1	R
• 60 x assorted cans cold drinks (including tab, sprite zero, coke zero, grapetiser, and appletiser)	60	R
<b>Total</b>		R
<b>VAT (if applicable)</b>		R
<b>Grand Total</b>		R

**\*\*NB: Please note that your grand total price should be inclusive of all cost.**

**Pricing schedule note:**

.....  
Signature

.....  
Date

.....  
Capacity



***PLEASE NOTE THAT DUE TO STRICT COVID-19 REGULATIONS WILL ONLY EMAILED PROPOSALS WILL BE ACCEPTED***

#### **4. EMAIL SUBMISSION**

The naming convention of the submission (subject) of the bid shall be as follows to ensure easy retrieval of the bid submissions:

**RFQ220401 PROCUREMENT OF CATERING SERVICES– Bidder name**

**E.G. RFQ220401 PROCUREMENT OF CATERING SERVICES – FFC (PTY) LTD**

The naming conversion is critical as it allows for easy retrieval of submission by the FFC.

#### **5. TIMEFRAMES**

**Closing Date: 13 April 2022**

**Closing Time: 11h00am**



**PART A  
INVITATION TO BID**

**SBD1**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE)</b>					
BID NUMBER:	RFQ 220401	CLOSING DATE:	13 April 2022	CLOSING TIME:	11h00am
DESCRIPTION	<b>Procurement of Catering Services for the Oversight Visit Meeting.</b>				
Submission of proposals: proposals must be emailed to <a href="mailto:procurementJM@ffc.co.za">procurementJM@ffc.co.za</a>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	Buhle Ngidi		CONTACT PERSON	Rushdah Abrahams	
TELEPHONE NUMBER			TELEPHONE NUMBER		
FACSIMILE NUMBER	N/A		FACSIMILE NUMBER	N/A	
E-MAIL ADDRESS	<a href="mailto:buhle.ngidi@ffc.co.za">buhle.ngidi@ffc.co.za</a>		E-MAIL ADDRESS	<a href="mailto:Rushdah.Abrahams@ffc.co.za">Rushdah.Abrahams@ffc.co.za</a>	
<b>SUPPLIER INFORMATION</b>					
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] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	





### QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  
NO

YES

DOES THE ENTITY HAVE A BRANCH IN THE RSA?  
NO

YES

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  
NO

YES

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  
NO

YES

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 PIN 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: .....

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



## 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.

“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 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 **YES/NO**



of this bid?

2.10.1 If so, furnish particulars.

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

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

2.11.1 If so, furnish particulars:

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

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

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / 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 IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature Date

.....  
Position Name of bidder

## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
  - a. abused the institution's supply chain management system;
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><b>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.</b></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 <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		



**CERTIFICATION**

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

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.**

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**



**SBD 9**

## **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.



SBD 9

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

---

**RFQ220401: PROCUREMENT OF CATERING SERVICES.**

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 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<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



## **Annexure 1: POPIA Compliance**

### **CONSENT TO PROCESS PERSONAL INFORMATION IN TERMS OF THE PROTECTION OF INFORMATION ACT, 4 OF 2013 (POPIA), FOR STAKEHOLDERS EXTERNAL TO THE FFC**

For use by:

THE FINANCIAL AND FISCAL COMMISSION including all its divisions (“FFC”)

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#### **1. INTRODUCTION**

The Protection of Personal Information Act, 4 of 2013, (POPIA) regulates and controls the collection, storage, use, transfer, and processing of a person’s (in some instances a juristic person’s) Personal Information. ***In terms of the POPI Act, the Financial and Fiscal Commission (FFC) has a legal duty to process a person’s Personal Information in a lawful, legitimate and responsible manner.***

The FFC does and will from time-to-time process Personal Information. In terms of POPIA all persons, including any FFC employee and/or partner who collects, manages, processes, transfers, stores and/or retains such Personal Information, whether held under a document, recording or in any other format, has a responsibility to process such information in accordance with the provisions under POPIA.

In order to discharge this duty, the FFC as the responsible party requires your express and informed permission to process your Personal Information for the purpose of evaluation of the bid.

## 2. DEFINITIONS

Take note of the following definitions which will be used throughout this document, and which are used in the POPIA.

" <b>biometrics</b> " means a technique of personal identification that is based on physical, physiological, or behavioural characterisation including blood typing, fingerprinting, DNA
" <b>child</b> " means a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him-or herself;
" <b>competent person</b> " means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child;
" <b>consent</b> " means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of Personal Information;
" <b>data subject</b> " means the person to whom Personal Information relates;
" <b>operator</b> " means a person who processes Personal Information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party;
" <b>person</b> " means a natural person or a juristic person;
" <b>Personal Information</b> " means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—
(a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
(b) information relating to the education or the medical, financial, criminal or employment history of the person;
(c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other particular assignment to the person;
(d) the biometric information of the person;
(e) the personal opinions, views, or preferences of the person;
(f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original
(g) the views or opinions of another individual about the person; and

(h) the name of the person if it appears with other Personal Information relating to the person or if the disclosure of the name itself would reveal information about the person.

**"processing"** means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including—

(a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;

(b) dissemination by means of transmission, distribution or making available in any other form; or

(c) merging, linking, as well as restriction, degradation, erasure or destruction of information;

**"record"** means any recorded information—

(a) regardless of form or medium, including any of the following:

(i) Writing on any material;

(ii) information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;

(iii) label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;

(iv) book, map, plan, graph or drawing;

(v) photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;

(b) in the possession or under the control of a responsible party;

(c) whether or not it was created by a responsible party; and

(d) regardless of when it came into existence;

**"responsible party"** means a public or private body or any other person who, alone or in conjunction with others, determines the purpose of and means for processing personal information;





<b>Examples of Personal Information include</b>
A person's name and address (postal and email)
Date of birth
Statements of fact (factual statements)
Any expression or opinion communicated about an individual
Minutes of meetings, reports
Emails, file notes, handwritten notes, sticky notes
Photographs and virtual meeting and CCTV footage if an individual can be identified by the footage
Employment and student applications
Spreadsheets and/or databases with any list of people set up by code or student/staff
Employment number
Employment or education history
<b>Special Personal Information Includes:</b>
Any information relating to an individual's:
Ethnicity
Gender
Religious or other beliefs
Political opinions
Membership of a trade union
Sexual orientation
Medical history
Offences committed or alleged to have been committed by that individual
Biometric details
Children's details

### 3. PURPOSE FOR THE COLLECTION

3.1 The purpose for the collection of your Personal Information and the reason why FFC requires your Personal Information is to enable FFC to:

3.1.1 comply with lawful obligations, including all applicable labour, tax and financial legislation and/or the B-BBEE laws;

3.1.2 to give effect to a contractual relationship as between you and FFC and in order to ensure the correct administration of the relationship;

3.1.3 for operational reasons including the conducting of research;

3.1.4 to protect the legitimate interests of FFC, yourself or a third party;



3.2 All Personal Information which you provide to FFC will only be used for the purposes for which it is collected.

#### **4. CONSEQUENCES OF WITHOLDING CONSENT OR PERSONAL INFORMATION**

Should you refuse to provide FFC with your Personal Information which is required by FFC for the purposes indicated above, and the required consent to process the aforementioned Personal Information, then FFC will be unable to engage with you or enter into an agreement or relationship with you.

#### **5. STORAGE AND RETENTION AND DESTRUCTION OF INFORMATION**

5.1 All Personal Information which you provide to FFC will be held and/or stored securely and held for the purpose for which it was collected, as reflected above.

5.2 Your Personal Information will be stored electronically in a centralised data base, which, for operational reasons, will be accessible to authorised persons within FFC.

5.3 Where appropriate, some information may be retained in hard copy.

5.4 In either event, storage will be secure and audited regularly regarding the safety and the security of the information.

5.5 Once your Personal Information is no longer required due to the fact that the purpose for which the information was held has expired, such Personal Information will be safely and securely archived for a period of 5 years or longer, especially should this be required by any other law applicable in South Africa. Thereafter, all your Personal Information will be permanently destroyed.



## **6. ACCESS BY OTHERS**

The FFC may from time to time have to disclose your Personal Information to other parties, and entities regulators and/or governmental officials but such disclosure will always be subject to an agreement which will be concluded between FFC and the party to whom it is disclosing your Personal Information, which contractually obliges the recipient of the Personal Information to comply with strict confidentiality and data security conditions.

## **7. RIGHT TO OBJECT**

In terms of section 11(3) of POPIA you have the right to object in the prescribed manner to FFC processing your Personal Information. On receipt of your objection FFC will place a hold on any further processing until the cause of the objection has been resolved.

## **8. ACCURACY OF INFORMATION AND ONUS**

POPIA requires that all your Personal Information and related details, as supplied are complete, accurate and up-to-date. Whilst FFC will always use its best endeavours to ensure that your Personal Information is reliable, it will be your responsibility to advise FFC of any changes to your Personal Information, as and when these may occur.

## **9. ACCESS TO THE INFORMATION BY THE DATA SUBJECT**

You have the right at any time to ask the FFC to provide you with the details of any of your Personal Information which the FFC holds on your behalf; and the details as to what FFC has done with that Personal Information, **Provided that such request is made using the standard section 51 PAIA process**, which procedure can be accessed by downloading and completing the standard request for information form, housed under section 51 of the PAIA Manuals which can be found on our website at [www.ffc.co.za](http://www.ffc.co.za).



## **10. COMPLAINTS**

You have the right to address any complaints regarding the processing of your Personal Information to the FFC Information Officer at [info@ffc.co.za](mailto:info@ffc.co.za) or you may approach to the Information Regulator ([complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za))

## **11. DECLARATION AND INFORMED CONSENT**

I declare that all Personal Information supplied to FFC is accurate, up to date, is not misleading and that it is complete in all respects.

I undertake to immediately advise FFC of any changes to my Personal Information should any of these details change.

By providing FFC with my Personal Information, I consent and give the FFC permission to process and further process my Personal Information as and where required and acknowledge that I understand the purposes for which it is required and for which it will be used.

Sign: \_\_\_\_\_

Date: \_\_\_\_\_