



## REQUEST FOR QUOTATION (RFQ)

<b>YOU ARE HEREBY INVITED TO SUBMIT OFFER TO THE DENEL CORPORATE OFFICE</b>	
<b>RFQ NUMBER:</b>	<b>10023208/27/03/2024</b>
<b>RFQ ISSUE DATE:</b>	<b>27 March 2024</b>
<b>CLOSING DATE AND TIME:</b>	<b>10 April 2024 @ 12:00</b>
<b>SITE BRIEFING:</b>	<b>N/A</b>
<b>RFQ VALIDITY PERIOD</b>	<b>90 Days (COMMENCING FROM RFQ CLOSING DATE)</b>
	<b>Salary Survey Web-based System with Real-Time Functionality for 4 Users for a Minimum of 12 Months</b>
<b>OFFER DEPOSIT ADDRESS</b>	<b>DENEL SOC LTD DENEL DYNAMICS RECEPTION, NELLMAPIUS DRIVE, IRENE</b>
<b>PROCUREMENT ENQUIRIES</b>	<b>Name: Ayanda Gxumisa Tel: (012) 671 1110 Email: <a href="mailto:Ayandag@denel.co.za">Ayandag@denel.co.za</a></b>



**TECHNICAL ENQUIRIES**

**Name: Sam Senekal**

**Tel: (011) 927 2783**

**Email: [Sam.senekal@denel.co.za](mailto:Sam.senekal@denel.co.za)**

**BIDDER NAME: .....**

**COMPANY REGISTRATION NUMBER: .....**

**CSD NUMBER: .....**

**ADDRESS: .....**

.....

.....

**CONTACT PERSON: .....**

**TEL: .....**

**FAX: .....**

**E-Mail: .....**

**Mobile: .....**



## **RFQ SPECIFICATIONS FOR SALARY SURVEY AND JOB EVALUATION**

### **COMPANY BACKGROUND**

**Denel SOC Ltd** is a state-owned listed as a Schedule 2 public entity that operates and accounts for its activities in accordance with the Public Finance Management Act (PFMA) Act No 1 of 1999 as amended.

The Denel Group of companies have a combined experience spanning more than 200 years with its core capabilities dating 70 years back when its first manufacturing plants were established.

Denel's solutions are designed to meet unique user requirements and provide full lifecycle support. Its products and capabilities include combat turrets, artillery and vehicle systems, missiles, command and control, maintenance, repair and overhaul of aircraft (MRO), avionics upgrades, testing of airborne systems, munitions as well as humanitarian services, including demining.

The company's core operating divisions are predominantly clustered in various locations around the Gauteng Province, the economic hub of the country, as well as in the Western Cape Province. These divisions include:

- Denel Dynamics, which manufactures missiles, guided weapons, Unmanned Aerial Vehicles (UAVs) and Space technology. It is also responsible for the SA Army's Ground Based Air Defence System (GBADS) and house command and control capabilities.
- Denel Pretoria Metal Pressings (Denel PMP) in Pretoria West manufactures small and medium caliber ammunition, brass products, detonics, power cartridges and mining drill bits.
- Denel Land Systems (DLS) a systems integrator manufactures and supports land systems combat equipment. DLS incorporates Denel Mechem which specialises in explosive remnants of war clearance solutions, canine solutions, ballistic /mine protected vehicles and field facilities services.
- Denel Aeronautics the leading aerospace company in Africa and a powerhouse in design and MRO solutions to the military and commercial sectors on the continent incorporating Denel Technical Academy which provides Aviation and Engineering Training across all disciplines for the past 50-years.



- Denel Vehicle Systems incorporates 3 business units - OMC, Gear Ratio and Mechatronics. OMC is a manufacturer of armoured vehicles and provides maintenance, upgrades and retrofits of military vehicles. Gear Ratio manufactures components for transmissions and drivelines. Mechatronics designs and manufactures weapons systems, surveillance equipment, as well as sighting and fire control systems.

The Denel Group further boasts a world-class testing facility, Denel Overberg Test Range, located in the scenic Overberg region of the Western Cape. Supporting all these divisions is the Denel Corporate Office (Headquarters) and Denel Properties in Irene, Centurion.

### **1. SERVICE DESCRIPTION (Salary Survey)**

The HR Department requires an On-line market salary survey web-based system with real-time functionality for 4 users for a minimum 12 months period. This is an ongoing requirement.

### **2. OBJECTIVES OF THE REQUIRED SERVICES**

As per the Employment Equity Act, it is a requirement for Denel to ensure the fair remuneration across the employment categories for work done. To enable Denel to comply, they need to be enabled with a system that has access to market salary data.

As part of the Turn Around plan, Denel has embarked upon a centralised approach for the management of remuneration and requires a tool to benchmark internal salaries with the external market to ensure fair remuneration practices.

### **3. SCOPE OF WORK (Salary Survey)**

The purpose of this RFT is to obtain proposals from suitably qualified and experienced salary survey companies that can offer a web-based system with real-time functionality and data available for general staff levels and executive levels in the Private Sector as well as State Owned Enterprises.

Denel is looking to for a web-based system that can:



- provide accurate market-related grades (including modal grades) that is fully integrated with the Organised Framework for Occupations (OFO) reporting standard;
- provide analytical capabilities to view the Company's data in comparison to the market;
- reflect comprehensive information on the remuneration elements per position and across all levels in the organisation;
- filter by the jobs that exist in your company, or access the full database of jobs;
- provide salary information for positions in Paterson grades.

During this phase Bidders' responses will be evaluated based on compliance with the listed expectations and criteria as in Clause 9:

- Reputable and highly experienced specialist in remuneration with national and international capability
- Salary survey data must be audited and proof of a clean audit for the last 5 years.

#### 4. Requirements

REQUIREMENT	COMPLIANT	NON-COMPLIANT
1. Bidder is a South African- owned and registered Supplier / Service Provider operating primarily within the regions where Denel's business divisions are located (bidder must provide proof thereof)		
2. The Tenderer must have the necessary infrastructure and capacity to meet Denel requirements. (confirmation of documents service facilities – Director's-mail address, telephone and facsimile number and computer system being used by the Tenderer		
3. Valid Tax Clearance Certificate or an access pin to SARS e-Filing.		



4. Valid BBBEE Certificate (but won't result in disqualification, instead a Tenderer will be scored zero)		
5. Central Supplier database proof of registration (provide recent documentation).		
6. Certified copy of the Company Registration with CIPC		
7. Letter of good standing (COIDA) from the compensation commission.		
8. Original Bank Letter		
9. For JV's, a copy of the joint venture agreement or consortia which submit joint Tenders.		
10. Bidders have submitted all returnable documentation to Denel.		
11. Documents are duly authorized /signed.		
12. Correct adherence to the 2 envelop process has been duly complied with. (Please put Annexure A on a separate envelop)		
13. The tenderer must submit proof of clean audits on the salary survey data for the past 5 years. Should they not be in a position to do so they will be <b>disqualified</b> from the process.		
<b>Note: Failure to meet the above requirements will result in automatic disqualification</b>		

## 5. PRICING SCHEDULE (Annexure A Separate Envelop)

DISCRIPTION	FEE
Implementation fee	
Annual license fee	
Staff training	

## 6. INFORMATION SESSION

N/A

## 7. PERIOD / DURATION OF PROJECT / ASSIGNMENT



12 Months.

## 8. PREFERENTIAL PROCUREMENT POINTS ALLOCATION

The Preferential Procurement Regulations points to be allocated to this RFQ is: **80/20**

## 9. EVALUATION CRITERIA

### First Stage: Technical Evaluation Criteria

#### Disqualifying Criteria

Due to the sensitivity and nature of the data, and how it may impact company decisions as well as employee livelihoods, it is important for Denel to work with a reputable database. To this end, the tenderer must submit proof of clean audits on the salary survey data for the past 5 years. Should they not be in a position to do so they will be disqualified from the process.

Only those Tenderers which score **70 points or higher (out of a possible 100)** during the technical and site visit evaluation will be evaluated during the second stage of the Tender. Tenderers are required to submit supporting documentation as testimony to their compliance with each requirement, where applicable.

The Technical Criteria that will be used to test the capability of Tenderers are as follows:

EVALUATION CRITERIA	MAXIMUM WEIGHTING
<b>1. System capability and audit (Presentations)</b>	<b>50%</b>
<b>1.1 Capability of web-based system:</b>	
1.1.1. Real time functionality for both General and Executive positions.	
1.1.2 Access to detailed remuneration data for the Private Sector	



<p>as well as State Owned Enterprises.</p> <p>1.1.3 Accurate market-related grades (including modal grades) and easily understandable job titles.</p> <p>1.1.4. Fully integrated with the Organised Framework for Occupations (OFO) reporting standard.</p> <p>1.1.5. Analytical capabilities to view the Company's data in comparison to the market.</p> <p>1.1.6 Comprehensive information to reflect the remuneration elements per position and across all levels in the Organisation.</p> <p>1.1.7 Must be able to filter by the jobs that exist in the Company, or access the full database of jobs.</p> <p>1.1.8 Generate detailed reports and a summary to be down loaded as PDF and Excel.</p> <p>1.1.9 Salary information to be given in Paterson grades.</p> <p>1.1.10 Confirmation on elements proven by a demonstration:</p> <p style="text-align: center;"><b>Comply to all 9 elements = 50</b></p> <p style="text-align: center;"><b>Comply to 6 to 8 elements = 30</b></p> <p style="text-align: center;"><b>Less than &lt;6 elements = 10</b></p>	
<p><b>2. Service Provider</b></p> <p>Service Provider to be in relevant operation for 5 years or more. Please attach a copy of company registration</p> <p style="text-align: center;"><b>5 years or more =25</b></p> <p style="text-align: center;"><b>3-4 years =20</b></p> <p style="text-align: center;"><b>2 years and less = 10</b></p>	<b>25%</b>
<p><b>3. References</b></p> <p>Tenderers must provide references for the Seven (7) clients within last 5 years where the Tenderer has been providing, or have provided similar services. Briefly describe the service and provide contact details for each reference (Name, Position, Landline Phone number and e-mail address) and inform these references in advance that DENEL may contact them during</p>	<b>25%</b>





the evaluation period as per the time lines provided. Note that this is an important component of the evaluation.	
<b>7 or more references = 25</b>	
<b>4 to 6 references = 20</b>	
<b>Less than 3 = 10</b>	

**10. SPECIAL ATTACHMENTS:**

**11. SPECIAL REQUIREMENTS/ PRE-QUALIFICATION**

**The RFQ will be awarded based on the above requirements and also 80/20**

**12. Delivery Schedule**

Item	Description	Total Qty	Expected Delivery date
			April 2024 to May 2025

**NB:** *Suppliers must confirm in their quotations that they can comply with the above delivery/ start schedule, or if unable to, provide an alternative delivery schedule as indicated.*

**SBD 6.1**

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

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

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



## 1. GENERAL CONDITIONS

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

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

1.2

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

1.3 Points for this bid shall be awarded for:

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

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

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

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

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

## 2. DEFINITIONS

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



Empowerment Act;

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

### **3. POINTS AWARDED FOR PRICE**

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

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



**80/20**

**or**

**90/10**

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

Where

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

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

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

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

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

#### **5. BID DECLARATION**

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

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

- 6.1 B-BBEE Status Level of Contributor: = .....(maximum of 10 or 20 points)



(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

## 7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(***Tick applicable box***)

YES		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:

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

## 8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT \_\_\_\_\_ registration



number:.....

8.3 Company registration  
number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General  
Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points  
claimed as shown in paragraphs 1.4 and 6.1, the contractor may  
be required to furnish documentary proof to the satisfaction of  
the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or



obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>	<p style="text-align: center;">.....</p> <p style="text-align: center;">SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p>
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## DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-



- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

2.1 Full Name of bidder or his or her representative:  
.....

2.2 Identity Number: .....

2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>):  
.....

2.4 Company Registration Number: .....

2.5 Tax Reference Number: .....

2.6 VAT Registration Number: .....

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

<sup>1</sup>"State" means –

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

<sup>2</sup>"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.





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

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

.....

Name of state institution at which you or the person  
connected to the bidder is employed :

.....

Position occupied in the state institution:

.....

Any other particulars:

.....

.....

.....

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

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

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

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

.....

.....

.....

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

2.8.1 If so, furnish particulars:

.....

.....



.....

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

2.9.1 If so, furnish particulars.

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

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

2.10.1 If so, furnish particulars.

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

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

2.11.1 If so, furnish particulars:

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

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

Full Name	Identity Number	Personal Reference Number	Tax 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

SBD 8

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

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
  - a. abused the institution's supply chain management system;



- b. committed fraud or any other improper conduct in relation to such system; or
- c. failed to perform on any previous contract.

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

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p><b>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</b></p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.1.1	<p>If so, furnish particulars:</p>		
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>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.2.1	<p>If so, furnish particulars:</p>		
4.3	<p>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?</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>



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

### **SBD 8**

#### **CERTIFICATION**

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

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

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

### **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:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Institution)

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

I                      certify,                      on                      behalf                      of:  
\_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

(a)     has been requested to submit a bid in response to this bid invitation;



- (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
- 6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or 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.**

### **SBD 9**

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

### **3.5 STANDARD CONDITIONS OF THE BID**

- i. Bidders must complete **SBD 4, SBD 6.1, SBD 8 and SBD 9** forms;
- ii. Bidders must also submit a **valid Tax Clearance Certificate**; and a **valid B-BBEE Certificate** (original or certified copy) to the DCO offices PRIOR to the closing date.



- iii. It is the responsibility of prospective bidders to ensure that their **CSD Registration** is active and updated as this serves as a prerequisite for submission of their proposals.
- iv. It is the responsibility of prospective bidders to ensure that all bid documents are submitted before the closing time and date of the Bid;
- v. Bid submissions received after closing time and date will be classified as **LATE** and will **NOT** be considered;
- vi. Although adequate thought has been given in the drafting of this document, errors may occur which the DCO will not be responsible for;
- vii. Any change of information provided in the bid document that may affect delivery of the service should be brought to the attention of DCO as soon as possible. Failure to comply with this may result in the contract or order being terminated;
- viii. Service providers presenting information intentionally incorrectly or fraudulently will be disqualified;
- ix. Service providers who have been declared insolvent and wish to do business with the DCO must have been rehabilitated and provide the necessary proof thereof;
- x. The DCO reserves the right to award, cancel or partially award a contract or order.
- xi. Bidders must complete and attach all relevant standard bid document;
- xii. All prices quoted must be VAT inclusive;

### **3 CLOSING DATE AND TIME**

The closing date for the RFQ is **10 April 2024 at 12h00.**

Quotations should be sent to:

**DENEL DYNAMICS RECEPTION, NELLMAPIUS DRIVE, IRENE**