



RFQ No: 10020175	Denel Group

Prepared By: Supply Chain Management Unit

Bid Description: Appointment of a service provider to provide an ethics service delivery hotline to the DENEL for a period of three (3) years

INVITATION TO BID

RFQ DETAILS

RFQ NUMBER

:DEN 100200175/18

ISSUE DATE

:07 August 2018

CLOSING DATE

:07 September 2018

CLOSING TIME

:10h00 am

DESCRIPTION

: Appointment of a service provider to provide fraud, corruption and ethics service delivery hotline to the Denel

CONTRACT DURATION

:Three (3) years

BIDS DELIVERY ADDRESS

:Denel SOC LTD, Nelmapius drive, Irene, Centurion
(Corporate Reception)

DETAILS OF BIDDER

COMPANYNAME:

CSD SUPPLIER NUMBER	UNIQUE REGISTRATION NUMBER

Please indicate whether this document is an original or copy, tick the applicable block.

ORIGINAL

COPY

SOFT COPY

NOTE: AS PER NATIONAL TREASURY CIRCULAR BIDDERS ARE REQUIRED TO REGISTER THEIR COMPANIES ON THE CENTRAL SUPPLIER DATABASE (CSD) SINCE SUPPLIERS WHO ARE NOT REGISTERED MAY NOT BE AWARDED BIDS WITH EFFECT FROM 1 JULY 2016. [HTTPS:// WWW.CSD.GOV.Z](https://www.csd.gov.z)

DOCUMENTS CHECK LIST

Bidders are requested to use the checklist below for documents to be submitted with a bid.

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Bid description: Appointment of a service provider to provide an ethics service delivery hotline to the Denel for a period of three (3) years

NO	DOCUMENTS SUBMITTED	TICK (✓)
1.	Proof of registration on the Central Supplier Database (CSD)	
2.	Certified Broad Based Black Economic Empowerment (B-BBEE) Certificate from a verification agency accredited by South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or Sworn Affidavit confirming annual turnover and level of black ownership in case of an EME and QSE	
3.	Bidder's profile	
4.	The bidder must provide its proposed approach/methodology indicating how the service will be executed successfully	
5.	Reference letter/s of previous clients indicating client satisfaction, contract duration, project description and bid amount as per section 1 paragraph 30.2.	
6.	Accredited institutional membership with an ethics institute (attach certified copy of valid certificate)	
7.	Documentary proof from a third party e.g. municipal account, telephone account or a signed lease agreement.	
8.	Certified copies of Identity Documents of Directors/Members/Shareholders	
9.	One (1) original copy of the bid document and CD (Soft copy) optional	

GLOSSARY

Award	Conclusion of the bid process and the final notification to the successful bidder
RFQ	Written offer in a prescribed form in response to an invitation by Denel for the provision of goods, works or services
Bidder	Organization with whom Denel will conclude a formal contract and potential Service Level Agreement subsequent to the final award of the contract based on this Request for Bid
IP	Intellectual Property
SCM	Supply Chain Management
SBD	Standard bidding document
SLA	Service Level Agreement
IMU	Integrity Management Unit/Ethics Department

SECTION 1

SPECIAL CONDITIONS OF THE BID:

1. Bids submitted must be in line with the detailed specification. Failure to bid accordingly will result in the disqualification of the bid.
2. Bidders' attention is drawn to the fact that amendments to any of the Special Conditions will result in their bids being disqualified.
3. Denel may, at any time or times prior to the bid submission date, issue to the bidders any amendment, annexure or addendum to bid documents. No amendment, annexure or addendum will form part of the bid documents unless it is in writing and expressly stated that it shall form part of the bid document.
4. Denel reserves the right:
 - 4.1. Not to appoint anyone and/or cancel the RFQ at any time and shall not be bound to accept the lowest bid or proposal.
 - 4.2. To award a bid to one or more service providers.
 - 4.3. To award the bid as a whole or in part.
 - 4.4. To enter into negotiation with one or more bidders regarding any terms and conditions, including price(s), of a proposed contract before or after the conclusion of the contract. (BAFO - "Best and Final Offer")
 - 4.5. To amend any bid condition, validity period, or extend the closing date of bids.
 - 4.6. 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 shortlisted bidders have been notified of their status.
 - 4.7. To conduct site inspections and or due diligence, or explanatory meetings in order to verify the nature and quality of services offered by the bidder. This will be done after adjudication and before awarding of the bid. The site inspection and or due diligence will be carried out with shortlisted bidders only.
5. Denel may request written clarification or further information regarding any aspect of this bid. The bidders must supply the requested information in writing within two (2) working days after the request has been made, otherwise the proposal may be disqualified.
6. Denel will not be liable for any expenses incurred by the bidders during the bidding process.
7. Bidders must submit proof of Central Supplier Database (CSD) registration and unique numbers with the bid document.

8. As per National Treasury circular bidders are required to register their companies on the central supplier database (CSD) since suppliers who are not registered may not be awarded bids with effect from 1 July 2016. Bidders are encouraged to register on the Central Supplier Database prior to submitting bids.
9. Bidders are required to submit original and valid B-BBEE Status Level Verification Certificates or certified copies thereof/ Sworn Affidavit signed by the Commissioner of Oath together with their bids, to substantiate their B-BBEE rating claims. In case of a trust, consortium or joint venture, a consolidated B-BBEE Status Level Verification Certificate must be submitted.
10. Bidders 'shareholders and staff must have no criminal record.
11. In the event of the services provided by a subcontractor/or joint venture, such subcontractor/or joint venture shall sign a confidentiality and non-disclosure agreement prior to performing the service or accessing such information in order to ensure integrity of the system is maintained.
12. The hotline number remains the property of the Denel and will be transferred to the successful bidder.
13. The successful bidder will carry all related operational costs attached to the telephone line.
14. The bidder shall appoint vetted personnel only. The successful bidder will be required to submit proof of vetting to Denel.
15. The bidder shall report all suspicious and unethical and/or corrupt activities/behaviour to the Denel.
16. The bidder shall be independent, of undisputable repute and shall act in a professional and discreet manner at all times.
17. The bidder shall because of, *inter alia*, data protection and labour law concerns, adhere to legal restrictions imposed on whistle-blowing procedures.
18. The bidder must be accredited by an ethics institute and must be compliant throughout the contract period. The bidder must provide a certified copy of a valid certificate issued by an ethics institute.
19. The bidder must be efficient in delivering high quality information in a timely manner and display professionalism at all times.
20. The bidder must be independent to avoid conflict of interest with clients, stakeholder or other service providers.
21. The bidder must ensure protection of whistle-blower's anonymity and confidentiality in order to prevent victimization and encourage use of the external whistle blowing hotline.
22. The bidder's availability is a priority to ensure easy and reliable access to the external whistle blowing hotline for 24 hours, seven (7) days a week.
23. The bidder shall ensure that all whistle blowers have access to the hotline irrespective of their language, thus all eleven South African official languages shall be provided for. It is essential that any whistle-blower feels free to report in a language of their choice.

24. The bidder must have website access for the submission of voluminous and anonymous reports according to the **Minimum Information Security Standards (MISS) Chapter 2 enclosed as Annexure A in Section 4 of the Terms of References**, relating to the classification of information.

25. **CONFLICT OF INTEREST, CORRUPTION AND FRAUD**

25.1. Denel reserves its right to disqualify any bidder who with or without their company / business, whether in respect of Denel or any other government organ or entity and whether from the Republic of South Africa or otherwise ("**Government Entity**"), –

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

25.1.2. Seeks any assistance, other than assistance officially provided by a Government Entity, from any employee, advisor or other representative of a Government Entity in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity;

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

25.1.4. 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 a Government Entity;

25.1.5. 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 a Government Entity or has in the past engaged in any matter referred to above.

26. **INDEMNITY**

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

27. **TAX COMPLIANCE**

27.1. No award shall be made to a bidder whose tax affairs are not in order. Denel reserves the right to withdraw an award made to a bidder in the event that it is established that such bidder did not remain tax compliant for the full term of the contract.

28. GOVERNING LAW

28.1. South African law governs this bid and the bid response process. The bidder agree 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.

29. RESPONSIBILITY FOR COMPANY/ BUSINESS' PERSONNEL

- 29.1 A bidder is responsible for ensuring that its personnel (including agents, officers, directors, employees, advisors and other representatives), comply with all terms and conditions of this bid.
- 29.2 Preferential consideration will be given to bidders that are legal entities. In the case of Sub-contracting or joint venture agreement, Denel will enter into a single contract with the principal service provider.
- 29.3 Bidding companies must clearly indicate if they envisage sub-contracting part of the project. The status and contribution of the company to which work will be sub-contracted with regard to the B-BBEE status level, must be clearly indicated.
- 29.4 A bidder may not cede, assign or sub-contract any part of the assignment to any person unless with a written consent of Denel and/or the court.
- 29.5 Denel will enter into a Service Level Agreement with the successful bidders, effective from the date of bid award, taking all aspects of the contract into account.
- 29.6 Under no circumstances will negotiation with any bidders constitute an award or promise / undertaking to award the contract.
- 29.7 The successful service provider(s) will be subjected to a security screening investigation by Denel at any stage during the duration of this contract. If the results thereof are negative and/or unfavourable and/or have a material or adverse effect to the carrying out of this contract, Denel shall be entitled to immediately cancel this contract in writing.
- 29.8 Bidders are requested to place their signature/initial on every page of the bid document. Furthermore, bidders must ensure that each and every place where a signature is required is correctly and fully signed including witnesses where applicable.
- 29.9 The bidder must have the infrastructure (physical premises) and the capacity to supply and/or deliver all required services.

30. THE BID PROPOSAL DOCUMENT SHOULD INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING IN DETAIL:

- 30.1 **Bidder's profile** – Short summary and description of the key features of the bidder. The legal name of the entity, the principal business, if applicable an overview of the consortium with a description of the corporate organization of the proposing entity, including all members of the consortium and/sub-contracts. If applicable, a description of the role of the lead partner and participating companies of the consortium.
- 30.2 **Track Record and Experience in ethics hotline service (whistle-blowers)** – The bidder must provide information that demonstrates relevant experience and track record in ethics hotline services. Such claims must be supported to permit Denel verify claimed capabilities. To support all claims of

experience presented and to assist Denel in reviewing and evaluation of the proposals, the bidders are requested to provide the following:



Signed reference letter/s (**focus will be on the number of years of experience rather than the number of letters**) of client/s where such services required were/are rendered, listing the services received, the period of the contract i.e. start and end date of contract as well as completing section 11 of this document.(Note that the focus to these letter/s should address the relevant work experience of the bidder, not the proposed approach to the requirement).Client satisfactory may be verified by the Denel.

- 30.3 **Provide a proposal on the proposed methodology.** The bidder must provide its proposed approach indicating how the services will be executed successfully. It must provide a comprehensive proposal to demonstrate their capability to render such services. The methodology must include but not limited to execution plan, facility infrastructure, call centre service 24/7, reports and reporting etc.
- 30.4 **Documentary proof from a third party** e.g. municipal account, telephone account or a signed lease agreement, etc. must be submitted to corroborate the physical address of the business as indicated on section 11 of the bid document. The documentary proof submitted must relate to the address provided on the bid document.
- 30.5 The bidder must demonstrate their ability to safe guard information received, keep information confidential and free from manipulation in order to ensure the integrity of the information transferred to Denel is maintained.

SECTION 2

BID SUBMISSION REQUIREMENTS

1. WHO MAY SUBMIT A RESPONSE TO THIS BID?

1.1 Denel invites RFQs from bidders who comply with the requirements for this bid/RFQ. In view of the scope of work required in this bid/RFQ, DENEL has decided that the bidder must:

- Be able to deliver the scope and breadth of services as required.
- Comply with all other requirements as stipulated in the bid document.

2. FRAUD AND CORRUPTION

2.1 All service providers are to take note of the implications of contravening the Prevention and Combating of Corrupt Activities Act, Act No 12 of 2004 and any other Act applicable.

3. CLARIFICATION / QUERIES

3.1 Telephonic requests for clarification will not be considered. Any clarification required by a bidder regarding the meaning or interpretation of the Terms of Reference/specifications, or any other aspect concerning the bid or bid document, is to be requested in writing (letter, facsimile or e-mail) from the following contact person, stating the bid reference number:

Bid/RFQ Enquiries : Tumelo Mnguni
E-mail : tenderresponse@denel.co.za



3.2 Queries received will be responded to within two (2) working days of receiving the query.

3.3 Denel will not respond to any enquiries received less than seventy-two (72) hours before the closing date and time of the bid.

4. SUBMITTING BIDS

4.1 One (1) original, (soft copy) of the bid proposals must be delivered to the address indicated on page 1 of this bid.

4.2 It is the responsibility of the bidder to ensure that bid documents reach Denel on or before the closing date and time of the bid/RFQ on the physical addresses as outline in paragraph 4.1 above. Denel will NOT take responsibility for any bid/RFQ documents received late.

5. REASONS FOR REJECTION

- 5.1 Denel shall reject a proposal for the award of a contract if the recommended bidder has committed a proven corrupt or fraudulent act in competing for the particular contract.
- 5.2 Denel may disregard the bid/RFQ of any bidder if that bidder, or any of its Directors:
 - 5.2.1 Have abused the SCM system of Denel;
 - 5.2.2 Have committed proven fraud or any other improper conduct in relation to such system;
 - 5.2.3 Have failed to perform on any previous contract and the proof exists;
 - 5.2.4 Such actions shall be communicated to the National Treasury.
- 5.3 Bidders that submit incomplete information and documentation not according to requirements of the terms of reference and special conditions.

6. CANCELLATION OF BID PROCESS

- 6.1 The bid process can be postponed or cancelled at any stage provided such cancellation or postponement takes place prior to entering into a contract with a specific service provider to which the bid relates.

SECTION 3

EVALUATION AND SELECTION PROCESS

All bids received will be evaluated in accordance with the 80/20 preference points system as prescribed in the Preferential Procurement Regulation of 2017. The evaluation process comprises of the following phases:

PHASE 1: SCREENING PROCESS (COMPLETENESS OF DOCUMENTATION)

During this phase bids will be reviewed to determine whether a bidder complied with all standard bidding documents, and whether such documents were signed by a duly authorized representative.

PHASE 2: MANDATORY REQUIREMENTS EVALUATION PROCESS

Only bidders that met the screening process will qualify for the mandatory requirements evaluation process. In this phase the evaluation will be based on bidder's response in terms of compliance.

1. SPECIAL INSTRUCTIONS TO BIDDERS

- 1.1 Bidders shall provide complete and accurate responses for this phase. Bidders must mark (X) comply and provide comments regarding compliance. Bidders **MUST** substantiate their response including full details on how their proposal/solution will address specific functional requirements and be adequately referenced. **Failure to substantiate bidder's response will disqualify the bid.**
- 1.2 If bidders do not comply fully with each of the mandatory requirements, the bid will be disqualified. No indication on mandatory fields will be regarded as non-compliance.
- 1.3 Bidders must meet the following mandatory requirements and failure to do so will lead to disqualification from further evaluation.

MANDATORY COMPLIANCE REQUIREMENTS

Requirement	Comply	Comment
1. Call centre service available 24 hours a day, seven (7) days a week.		
2. Service to be available in all eleven (11) official languages		
3. Facility to accommodate all types and forms of reporting by whistle blowers		
4. Cutting edge information technology to ensure safe keeping and transmission of data from the hotline call centre to Denel and reporting as reviewed.		

PHASE 3: FUNCTIONALITY EVALUATION

Only bidders that qualified on the mandatory requirements evaluation process will be evaluated on functionality. In this phase the evaluation process will be based on the bidder’s response in respect of the bid proposal (evaluated on the minimum functional terms of references). Prospective bidders who score a minimum qualifying score of 60% (sixty percent) or more on functionality will qualify for the next phase.

Bid proposal methodology will be evaluated on a scale of 0-5 in accordance with the criteria below. The rating will be as follows; 0=Non-submission; 1=poor; 2=Average; 3=Good; 4=Very Good and 5= Excellent.

FUNCTIONALITY CRITERIA – PHASE 3	WEIGHT
1. Proposed methodology	
<p>Bidders must provide a comprehensive proposal demonstrating capability to render the services required. The proposal must include, but is not limited to the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Facility infrastructure <input type="checkbox"/> Call centre service 24/7 <input type="checkbox"/> Reports and reporting 	60
2. Track record and experience in ethics ,fraud and corruption hotline service delivery	
<p>The bidder must provide information that demonstrates relevant experience on hotline service delivery by providing documentary proof in the form of contactable reference letter(s) (on a letter head of the referee and signed by the relevant authority) confirming the exact start and end dates of the contract(s) where such services were/are rendered.</p> <p>Non submission and less than one (1) year = 0 point</p> <p>One (1) year to two (2) years = 1 point</p> <p>More than two (2) years to three (3) years = 2 points</p> <p>More than three (3) years to four (4) years = 3 points</p> <p>More than four (4) years to five (5) years = 4 points</p> <p>More than five (5) years and above = 5 points</p>	10

3. Integrity, security and confidentiality	
The bidder must demonstrate their ability to safeguard all information received, keep the information confidential and free from manipulation in order to ensure the integrity of the information transferred to Denel is maintained through the usage of cutting edge information Technology.	20
4. Accreditation	
Accredited institutional membership with an ethics institute (attach certified copy of valid certificate). submission = 0 point Not Accredited = 1 point Accredited = 5 points	10
Functional Total	100
Threshold	60%

The percentage for functionality will be calculated as follows:

$$P_s = \frac{so}{ms} \times 100$$

Where:

Ps = points scored for functionality by bid under consideration

So = total score of bid under consideration

Ms= maximum possible score, i.e. 5x 100 = 500

Ap = points allocated for functionality (in this bid = 100)

- i. The value scored for each criterion will be multiplied by the specified weight for the relevant criterion to obtain the total score for each criterion.
- ii. The scores for each criterion will be added to obtain the total score.

This total score will be divided by the maximum possible score and multiplied by the allocated points for functionality and **only** bidders that have met or exceeded the minimum 60 (%) percent on functionality will form part of the panel of approved bidders

PHASE 4: PRICE AND B-BBEEE STATUS LEVEL CONTRIBUTION

Preference points claimed by bidders will be calculated and added to the points scored for price.

SECTION 4

TERMS OF REFERENCE: APPOINTMENT OF SERVICE PROVIDER TO PROVIDE AN ETHICS SERVICE DELIVERY HOTLINE TO THE NATIONAL PROSECUTING AUTHORITY FOR A PERIOD OF THREE (3) YEARS.

1. PURPOSE OF THE BID

1.1 The purpose of this bid is to appoint a service provider to provide an ethics service delivery hotline to Denel.

2. BACKGROUND

2.1 Denel SOC operates in the aerospace, maritime and landward defense environment and employs a total of 4941 across the group. Denel acts as a contractor and key supplier to the South African national defense Force (SANDF) both as an original equipment manufacturer (OEM) and for the overhaul, maintenance, repair, refurbishment and upgrade of systems. Denel's markets include Asia Pacific, Africa, South Africa, South America, Europe, Middle East and North America. Denel's operations are located in the following areas:

- Denel Aeronautics-Kempton park, Gauteng
- Denel Corporate office-Irene, Centurion Gauteng
- Denel Dynamics- Irene, Centurion Gauteng
- Denel Land Systems-Lyttelton,centurion,Gauteng
- Denel PMP-Pretoria West, Gauteng
- Denel OTR-Bredasdorp,western cape
- Denel Vehicle systems-Benoni and Alrode,Gauteng
- LMT-waltloo, Pretoria, Gauteng

2.2 Denel's constitutional obligation is to enhance the capacity of the state and South African society to combat crime. All government departments are obliged to create capacity internally to ensure the implementation of the four pillars of the Minimum Anti-Corruption Capacity and be able to deliver on the prevention, detection, investigation and resolution on any unethical conduct, fraud and corruption.

3. SCOPE OF WORK

3.1 The bidder is required to provide information/service on the following deliverables:

3.1.1 service provider ,to provide Denel with toll-free hotline for employees and stakeholders to report suspected incidents of fraud and/or corruption or unethical conduct, confidentially and securely on a 24/7hour basis,7 days a week,365 days a year.

3.1.3 Reporting

3.1.4 Maintain integrity and confidentiality of information

Summary of the above Mandatory Requirements

The service must comprise the following:

- A toll-free telephone number that is available to employees and stakeholders and allows them to report suspected incidents of fraud and/or corruption or unethical conduct and remain anonymous.
- A toll-free fax number that is available to employees and stakeholders should they wish to provide written reports and/or documentation pertaining to a reported incident, anonymously.
- A unique and secure e-mail address that is available to employees and stakeholders that may wish to use the facility for reporting suspected incidents of fraud and/or corruption or unethical conduct anonymously.
- A free postal address that is available to employees and stakeholders to report suspected incidents of fraud and/or corruption or unethical conduct and/or provide written reports and/or documentation pertaining to specific incidents securely.
- Encrypted reports prepared for every call received must be conveyed to Denel through a memorandum and transmitted electronically to designated Denel officials as soon as the report has been received.

3.1.5 Optional Requirements

Denel may require the service provider to provide the following optional services;

3.1.6 Publicizing the Hotline

3.1.7 Design of promotional marketing material.

3.1.8 Special reports

- Quarterly, six monthly or annual reports regarding the nature, number of calls etc.

3.1.9 Specification

Specification

Calls must be attended to live with operator fielding calls and interacting with the caller to ensure that the incident is accurately recorded and information transcribes properly. Each call must be allocated a specific reference number to make it possible for the caller to follow up with the hotline provide additional information on a reported incident.

- The option of remaining anonymous must be explained to each caller.
- Calls must be recorded as soon as a call is received and should not be overridden.
- Recordings must be stored for a minimum duration of five years or longer as may be agreed by Denel and the service provider.
- The service provider must be able to take calls in all SA official languages
- The service provider must be able to receive calls outside of South Africa and interprets the information.
- Services rendered must comply with all relevant South African legislations i.e. Protected Disclosures Act 26 of 2000.

4. INFRASTRUCTURE AND CAPACITY REQUIREMENTS

4.1 The bidder shall be responsible for the provision of the following:

4.1.1 24/7 Ethics Hotline infrastructure

- An independently and off-site service of 0800..... Number must be accessible to all potential whistle blowers 24/7 nationally.
- A fax and e-mail facility for transmission of information as an alternative to toll-free calls.
- A facility to accommodate all types and forms of reports by potential whistle-blowers.
- Usage of cutting edge recording technology.

4.1.2 Capacity

- Competent staff should operate the hotline
- Ability to handle calls with speed, accuracy and confidentiality.

5. INTEGRITY AND CONFIDENTIALITY

5.1 Given the sensitive nature of hotline reports, which at times might implicate officials within the organization, such reports must be free from manipulation. The information must be kept confidential to ensure that the integrity thereof is maintained. To this effect the successful bidder shall sign a confidentiality agreement as part of the contract.

6. DEMARCATED SCOPE OF THE HOTLINE

6.1 Whistle-blowers in general and the public in particular, are most likely to report a wide range of issues that seem suspicious to them. Turning away such callers however may alienate callers who have otherwise taken much courage to report their concern.

6.2 The bidder must consider any high-liability hotline tip and give such report sufficient attention for purposes of investigation. Issues of accountability in terms of service delivery may include but is not limited to:

6.2.1 Service by prosecutors and support staff to the public in general

6.2.2 Unethical or unprofessional conduct by any Denel employee or stakeholders

6.2.3 Incidents of discrimination by Denel employees and stakeholders

6.2.4 Incidents of harassment of public members and or service providers by Denel employees and stakeholders

6.2.5 Labour relations issues

6.2.6 Workplace violence/threat

6.2.7 Legal compliance issues

7. CRITERIA FOR PRIORITIZATION OF HOTLINE REPORTS

7.1 It is to be expected that hotline tips will vary in degree of sensitivity and seriousness. Consequently, the bidder must determine upon a list of reports, which are sufficiently critical to require immediate notification.

7.1.1 The following possible reports may need immediate notification but not limited to:

- Allegations of poor service delivery by any of Denel Business Units
- Unethical and or unprofessional conduct
- Threat of violence
- Threat of safety
- Sexual and other forms of harassment
- Unfair labour practice
- Leaking classified information

8 SAFE DISSEMINATION OF HOTLINE REPORTS

8.1 In order to maintain the integrity of the information and hotline system, the smooth dissemination of reports to designated persons in the IMU, must be transferred in a format that is tamper proof e.g. PDF, or encrypted, as to allow the commencement of analysis, assessment and investigation. An electronic system (secured by username and password) needs to be established to ensure secure transmission of reports.

9 HOTLINE RESPONSE LANGUAGE

9.1 In order to give access to a wide range of potential whistle blowers, it is important that callers are encouraged and allowed to supply information in the language in which they are most comfortable. To this effect, it is essential that all eleven (11) official languages be catered for during reporting.

10 REPORTING

10.1 The bidder shall have a dedicated contact person to liaise with and report on all the activities of the Project to the Denel Head office in Irene, Centurion.

10.2 The bidder shall contact Denel for reports requiring immediate attention

10.3 The bidder must be efficient to deliver high quality information in a timely manner.

11 REPORTS

11.1 The bidder must:

- Have the ability to handle reports with speed, accuracy and confidentiality.
- Provide a website for submission of voluminous and anonymous reports.

- Provide an e-mail facility to be used for transmission of reports to Denel in a tamper proof manner.

11.2. The bidder will be required to provide the following reports.

11.2.1 Incident reports

- Notification of daily transmission of reports reflecting incidents recorded within 24 hours requiring immediate attention.
- The IMU will provide feedback on the outcome of reported incident to the bidder upon request by anonymous whistle blowers.

11.2.2 Management reports

- The bidder shall submit monthly reports providing feedback on the amount of calls received, nature of incidents reported and the regions/provinces of the incident. All reports must be submitted within 10 (ten) days after the last day of the month.
- The bidder shall submit quarterly reports giving call volumes and trends on concerns reported. The bidder shall report within 10 (ten) days after the last day of the quarter.

12 DATA SECURITY

12.1 Cutting edge information technology is required to ensure safekeeping and transmission of data from the hotline call centre to the designated persons in IMU.

13 TERMINATION OF SERVICE

13.1 At the end of the contract period, the bidder shall provide Denel with all gathered information in an agreed format, and transfer the telephone number to Denel.

14. **See enclosed Chapter 2 of Missing Information Security Standards (MISS) as Annexure A**

ANNEXURE A

MINIMUM

INFORMATION SECURITY

STANDARDS

CHAPTER 2

DEFINITIONS

1. ACCESS CONTROL

The process by which access to a particular area is controlled or restricted to authorised personnel only. This is synonymous with controlled access. See the Control of Access to Public Premises and Vehicles Act (Act 53 of 1985) as amended.

2. AUTHOR

The head of an institution, or the person acting on his behalf, who prepares, generates, or initially classifies a document or has it classified.

3. CLASSIFICATION

- 3.1 All official matters requiring the application of security measures (exempted from disclosure) must be classified "Restricted", "Confidential", "Secret" or "Top Secret".
- 3.2 Upgrading, downgrading and regrading of documents may take place and will involve changing the classification in accordance with the system prescribed (see Chapter 4, paragraph 1.4).
- 3.4 To avoid confusion, it is essential for all bodies/institutions to maintain uniformity with respect to the classification system, and to assign to documents the same rating in accordance with the degree of security warranted by the contents and nature of the documents. The security classifications as defined below should therefore be applied by all institutions. By "document" is meant those matters set forth in the definitions section of the Protection of Information Act (Act 84 of 1982).
- 3.4 The classifications mentioned above are described below.

Note: Security measures are not intended and should not be applied to cover up maladministration, corruption, criminal actions, etc, or to protect individuals/officials involved in such cases. The following descriptions should be understood accordingly:

3.4.1 Restricted

Definition: **RESTRICTED** is that classification allocated to all information that may be used by malicious/opposing/hostile elements to hamper activities or inconvenience an institution or an individual.

Test: Intelligence/information must be classified as **RESTRICTED** when the compromise thereof could hamper or cause an inconvenience to the individual or institution.

Explanation: **RESTRICTED** is used when the compromise of information can cause inconvenience to a person or institution, but cannot hold a threat of damage. However, compromise of such information can frustrate everyday activities.

3.4.2 Confidential

Definition: The classification **CONFIDENTIAL** should be limited to information that may be used by malicious/opposing/hostile elements to harm the objectives and functions of an individual and/or institution.

Test: Intelligence/information must be classified **CONFIDENTIAL** when compromise thereof can lead to:

- The frustration of the effective functioning of information or operational systems;
- Undue damage to the integrity and/or reputation of individuals;
- The disruption of ordered administration within an institution; and
- Adverse effect on the non-operational relations between institutions.

Explanation: **CONFIDENTIAL** is used when compromise of information results in:

- Undue damage to the integrity of a person or institution, but not entailing a threat of serious damage. The compromise of such information, however, can frustrate everyday functions, lead to an inconvenience and bring about wasting of funds;
- The inhibition of systems, the periodical disruption of administration (e.g. logistical problems, delayed personnel administration, financial relapses, etc.) that inconvenience the institution, but can be overcome; and
- The orderly, routine co-operation between institutions and/or individuals being harmed or delayed, but not bringing functions to a halt.

3.4.3 Secret

Definition: **SECRET** is the classification given to information that may be used by malicious/opposing/hostile elements to disrupt the objectives and functions of an institution and/or state.

Test: Intelligence/information must be classified as **SECRET** when the compromise thereof:

- can disrupt the effective execution of information or operational planning and/or plans;
- can disrupt the effective functioning of an institution;
- can damage operational relations between institutions and diplomatic relations between states;
- can endanger a person's life.

Explanation: SECRET is used when the compromise of information:

- can result in the disruption of the planning and fulfilling of tasks, ie the objectives of a state or institution in such a way that it cannot properly fulfil its normal functions; and
- can disrupt the operational co-operation between institutions in such a way that it threatens the functioning of one or more of these institutions.

3.4.4 Top Secret

Definition: **TOP SECRET** is the classification given to information that can be used by malicious/opposing/hostile elements to neutralise the objectives and functions of institutions and/or state.

Test: Intelligence/information must be classified TOP SECRET when the compromise thereof:

- can disrupt the effective execution of information or operational planning and/or plans;
- can seriously damage operational relations between institutions;
- can lead to the discontinuation of diplomatic relations between states; and
- can result in the declaration of war.

Explanation: **TOP SECRET** is used when the compromise of information results in :

- the functions of a state and/or institution being brought to a halt by disciplinary measures, sanctions, boycotts or mass action;
- the severing of relations between states; and
- a declaration of war.

4. CLASSIFIED INFORMATION

4.1 Sensitive information which in the national interest, is held by, is produced in, or is under the control of the State, or which concerns the State and which must by reasons of its sensitive nature, be exempted from disclosure and must enjoy protection against compromise.

5. CLASSIFY/RECLASSIFY

5.1 The grading/arrangement or regrading/re-arrangement of a document, in accordance with its sensitivity or in compliance with a security requirement.

6. COMMUNICATION SECURITY

That condition created by the conscious provision and application of security measures for the protection of classified communication.

7. COMPROMISE

- 7.1 The unauthorized disclosure/exposure or loss of sensitive or classified information, or exposure of sensitive operations, people or places, whether by design or through negligence.

8. COMPUTER SECURITY

- 8.1 That condition created in a computer environment by the conscious provision and application of security measures. This includes information concerning the procedure for the procurement and protection of equipment.

- 8.2 Everything that could influence the following is considered to be relevant to computer security:

- The confidentiality of data (an individual may have access only to that data to which he/she is supposed to).
- The integrity of data (data must not be tampered with and nobody may pose as another - e.g. in the electronic mail environment, etc).
- The availability of systems.

9. CONTINGENCY PLANNING

- 9.1 The prior planning of any action that has the purpose to prevent, and/or combat, or counteract the effect and results of an emergency situation where lives, property or information are threatened. This includes compiling, approving and distributing a formal, written plan, and the practice thereof, in order to identify and rectify gaps in the plan, and to familiarise personnel and co-ordinators with the plan.

10. CONTROLLING BODY

- 10.1 The body which in terms of the rationalisation agreement is responsible for controlling the security position within its sphere of responsibility.

11. COPYING / DUPLICATING / REPRODUCING

- 11.1 The making of a copy of any document, whether by copying it out by hand, by photographic means or by any other means.

12. DECLARATION OF SECRECY

- 12.1 An undertaking given by a person who will have, has or has had access to classified information, that he/she will treat such information as secret.

13. DELEGATE

- 13.1 A delegate is a person who is granted certain powers/authorities or functions in order to represent a higher authority in performing a specific task.

14. DELEGATION

- 14.1 Delegation is the transfer of authority, powers or functions from one person/institution to another.
- 14.2 Delegation takes place in order to effect division of labour since it is physically impossible for a person/ institution/body himself/herself to exercise all the powers/authorities assigned to him/her.
- 14.3 Delegatus delegare non potest - A delegate cannot delegate.

15. DESTRUCTION OF CLASSIFIED MATERIAL

- 15.1 The doing away with/expunging or destroying of classified documents.

16. DISPATCHING CLASSIFIED DOCUMENTS

- 16.1 The transfer of classified documents, in any manner whatever or by any channel whatever, from one point to another.

17. DOCUMENT SECURITY

- 17.1 That condition which is created by the conscious provision and application of security measures in order to protect classified documents.

18. DOCUMENT

- 18.1 In terms of the Protection of Information Act (Act 84 of 1982) a document is:
- any note or writing, whether produced by hand or by printing, typewriting or any other similar process;
 - any copy, plan, picture, sketch or photographic or other representation of any place or article;
 - any disc, tape, card, perforated roll or other device in or on which sound or any signal has been recorded for reproduction.

19. EMPLOYER INSTITUTION

- 19.1 The institution, whether a public, parastatal or private undertaking (where applicable), that employs any worker, official or officer who actually has, or may probably have, access to classified matters.

20. ESPIONAGE

- 20.1 The methods by which states, organisations and individuals, attempt to obtain classified information to which they are not entitled.

21. HEAD OF AN INSTITUTION

- 21.1 The person who is serving as the head of an institution, whether defined by law or otherwise, including the official acting in his place.

22. INFORMATION SECURITY

- 22.1 That condition created by the conscious provision and application of a system of document, personnel, physical, computer and communication security measures to protect sensitive information.

23. INSTITUTION

- 23.1 Institution means any department of State, body or organisation that is subject to the Public Service Act or any other law or any private undertaking that handles information classifiable by virtue of national interest.

24. NEED-TO-KNOW PRINCIPLE

- 24.1 The furnishing of only that classified information or part thereof that will enable a person/s to carry out his/her task.

25. PERSONNEL CONFIDENTIAL

- 25.1 A handling instruction indicated on personnel documents. Although these documents are to be handled in the same way as "restricted" documents, this is not a security classification. Should information regarding a personnel member be more sensitive than justified by the terms "Personnel confidential" or "Restricted" it should be classified according to regulations.

26. PERSONNEL SECURITY

- 26.1 Personnel security is that condition created by the conscious provision and application of security measures in order to ensure that any person who gains access to classified information does have the necessary security clearance, and conducts him/herself in a manner not endangering him/her or the information to compromise. This could include mechanisms to effectively manage / solve personnel grievances.

27. PHYSICAL SECURITY

- 27.1 That condition which is created by the conscious provision and application of physical security measures for the protection of persons, property and information.

28. PROTECTION OF PERSONS

- 28.1 The physical protection of identified important persons against violence and insults, as well as the protection of information in the possession of such persons against unauthorised exposure or disclosure to malicious/opposing/hostile elements or persons.

29. RECEIPT OF CLASSIFIED DOCUMENTS

- 29.1 The receipt and documenting or taking on record of classified documents.

30. SCREENING/ VETTING INSTITUTIONS

- 30.1 Screening institutions are those institutions (the SA Police Service, the National Intelligence Agency, South African Secret Service or the SA National Defence Force) that, in terms of the rationalisation agreement, are responsible for the security screening/vetting of persons within their jurisdictions.

31. SECURITY

- 31.1 That condition free of risk or danger to lives, property and information created by the conscious provision and application of protective security measures. Not to be confused with national security (i.e. peace, stability, development and progress), which is a far broader concept that encompasses not only absence of threats, risk or danger, but also the basic principles and core values associated with and essential to the quality of life, freedom, justice, prosperity and development. (Quoted from the White Paper on Intelligence.)

32. PROTECTIVE SECURITY

- 32.1 Much narrower concept than National Security, although very much a part/element of the latter. This concept deals with the provisioning and maintaining of measures to protect lives, property and information and as such could include : vetting, security investigations, guarding, document, personnel, physical and IT security.

33. SECURITY AREA

- 33.3 Any area to which the general public is not freely admitted and to which only authorised persons are admitted.

34. SECURITY AUDIT

34.1 That part of security control undertaken to:

- determine the general standard of information security and to make recommendations where shortcomings are identified;
- evaluate the effectiveness and application of security policy/ standards/ procedures and to make recommendations for improvement where necessary;
- provide expert advice with regard to security problems experienced; and
- encourage a high standard of security awareness.

35. SECURITY CLEARANCE

35.1 An official document indicating the degree of security competence of a person.

36. SECURITY COMPETENCE

36.1 This is a person's ability to act in such a manner that he does not cause classified information or material to fall into unauthorised hands, thereby harming or endangering the security or interests of the State. Security competence is normally measured against the following criteria: susceptibility to extortion or blackmail, amenability to bribes and susceptibility to being compromised due to compromising behaviour, and loyalty to the state / institution.

37. SECURITY LOCK

37.1 A lock with at least six levers or five checks of which the tumblers are not springy (eg Chubb, Abloy and Real).

38. SECURITY MEASURES

38.1 All actions, measures and means employed to achieve and ensure a condition of security commensurate with the prevailing threat.

39. SECURITY SCREENING/VETTING

39.1 The systematic process of investigation followed in determining a person's security competence.

40. STORAGE

40.1 The safekeeping of classified documents in appropriate (prescribed) lockable containers, strongrooms, record rooms and reinforced rooms.

41. TRANSMISSION SECURITY

41.1 Transmission security is a part of communication security and entails the safeguarding and secure use of systems linked to one another for the sake of communication.

SECTION 5

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 not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 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.

The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
TOTAL POINTS FOR PRICE AND B-BBEE MUST NOT EXCEED	100

- 1.4 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.
- 1.5 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
$P_s = 80 \left[1 - \frac{P_t - P_{\min}}{P_t - P_{\min}} \right]$	or	$P_s = 90 \left[1 - \frac{P_t - P_{\min}}{P_t - P_{\min}} \right]$

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

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

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

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

5. BID DECLARATION

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

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

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

(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)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

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)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

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 least 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		

Bidder's Signature/ initial: _____

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.

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

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

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes 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:

2.1 Identity Number:.....

2.2 Position occupied in the Company (director, trustee, shareholder², member):
.....

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

2.4 Tax Reference Number:

2.5 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 **YES / NO**
presently employed by the state?

2.7.1 If so, furnish the following particulars:

2.7.2 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:.....

2.7.3 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?

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

(Note: Failure to submit proof of such authority, where

[REDACTED]

applicable, may result in the disqualification of the bid.

2.7.3.2 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:
.....
.....

.....

2 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

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Standard Bidding Document (SBD) must form part of all bids¹ invited.
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *per 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. Cancels a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
4. This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
5. In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf

of: _____

_____ that: (Name
of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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 (DENEL) 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

SECTION 9

Confirmation

HAS A VALID ORIGINAL TAX CLEARANCE CERTIFICATE BEEN SUBMITTED (SBD2)
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE
SERVICES OFFERED BY YOU

YES / NO

YES / NO

Declaration

I/We have examined the information provided in your bid documents and offer to undertake the work prescribed in accordance with the requirements as set out in the bid document. The prices quoted in this bid are fixed and valid for the stipulated period. I/We confirm the availability of the proposed team members/ and or services. We confirm that this bid will remain binding upon us and may be accepted by you at any time before the expiry date.

Signature of bidder:

Date:

Are you duly authorized to commit the bidder:

YES / NO

Capacity under which this bid is signed

Domicilium

DENEL chooses the following as its domicilium citandi et executandi for all purposes of and in connection with the final contract:

NATIONAL PROSECUTING AUTHORITY , VGM BUILDING, WEAVIND PARK, 123 WEST LAKE AVENUE, SILVERTON, PRETORIA

The bidder must indicate its domicilium citandi et executandi for all purposes of and in connection with the final contract.

Any discrepancies between the information supplied here and the other parts of the bid may result in your bid being disqualified.

SECTION 10

PRICING SCHEDULE- (FIXED PRICES)

APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE AN ETHICS SERVICE DELIVERY HOTLINE TO THE DENEL FOR A PERIOD OF THREE (3) YEARS.

NAME OF BIDDER

BID NUMBER.....

CLOSING DATE..... **TIME: 11H00am**

PRICING	PRICE PER MONTH (INC. VAT)	TOTAL PRICE FOR 3 YEARS (INC. VAT)
	R	R
TOTAL BID PRICE (Inc. vat) (Amount to be transferred to SBD 1)		

CONDITIONS APPLICABLE TO THE BIDDER'S PRICING

- Bidders are required to complete the above table (pricing schedule). **Failure to complete in full will result in disqualification.**
- Only the total bid amount for a period of three (3) years indicated on the pricing schedule should be transferred to SBD 1 and will be utilized in calculating the points for price. **NB: if there are any discrepancies in the pricing schedules, and the SBD 1, only the total bid price indicated on the SBD 1 will be considered.**
- Bidders must complete the pricing schedule (inclusive of any escalation and/or all costs deemed necessary as no additional cost will be admitted later).

Clients' Name	contact person and contact details	Brief description of the service rendered	Project period (Start and End Dates)	Project cost



Rates must be quoted in South African Rand and must be inclusive of VAT. Prices are to remain fixed and valid for the period of three (3) years. Non fixed prices will not be considered.

SECTION 11: Bidder's Experience (signed reference letter or more)

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NAME OF BIDDER:

[Note to the Bidder: The bidder must complete the information set out below in response to the requirements stated in paragraph 30.2 of bid conditions. If the bidder requires more space than the provided below the bidder must prepare a document in same format setting out all the information referred to and return it with the proposal.]

The bidder must provide the following information:

(a) Details of the bidder's current and past projects of similar required services set out for this bid