



REQUEST FOR PROPOSAL (RFP)

YOU ARE HEREBY INVITED TO SUBMIT OFFER TO THE DENEL CORPORATE OFFICE	
RFP NUMBER:	DG484/05/30/2024
RFP ISSUE DATE:	30 MAY 2024
CLOSING DATE AND TIME:	20 JUNE 2024 @ 12:00
RFP VALIDITY PERIOD	90 Days (COMMENCING FROM RFP CLOSING DATE)
DESCRIPTION OF SERVICES	REQUEST PROPOSAL (RFP) FOR DENEL HOTLINE HOSTING
PROCUREMENT ENQUIRIES	Name: Ayanda Gxumisa Email: Ayanda.Gxumisa@denel.co.za
DEPOSIT ADDRESS	DENEL DYNAMICS RECEPTION TENDER BOX: 1 NELMAPIUS DRIVE, IRENE, CENTURION NB* Tender Box is accessible weekdays Mon-Fri 08:00-15:00 only



BIDDER NAME:

COMPANY REGISTRATION NUMBER:.....

CSD NUMBER :.....

ADDRESS:.....

.....

.....

.....

CONTACT PERSON :.....

TEL:.....

FAX:.....

E-Mail :

Mobile:



THE PURPOSE OF THIS RFP IS TO OBTAIN QUOTATIONS FROM SUITABLY QUALIFIED AND EXPERIENCED COMPANIES TO PROVIDE DENEL HOTLINE SERVICES.

1. 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. Denel SOC Ltd is commercially-driven company and strategic partner for innovative defence, security and related technology solutions. It groups together several defence and aerospace divisions and associated companies.

Denel provides turn-key solutions of defence equipment to its clients by designing, developing, integrating and supporting artillery, munitions, missiles, aero structures, aircraft maintenance, unmanned aerial vehicle systems and optical payloads based on high-end technology. Its defence capabilities date back more than 70 years when some of Denel's first manufacturing plants were established.

2. REQUIREMENTS BACKGROUND

APPOINTMENT OF SERVICE PROVIDER TO PROVIDE WHISTLE BLOWING REPORTS TO DENEL FOR A PERIOD OF FIVE (5) YEARS.

SCOPE OF WORK

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

A 24/7,365 days a year toll-free hotline comprised of 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.

Reporting

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.
- Reported securely to Denel without compromising the integrity and confidentiality of information and anonymity of the whistleblowers.

Optional Requirements

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

- Design of promotional marketing material and publicizing the Hotline
- Preparing and providing special reports, quarterly, six monthly or annual reports regarding the nature, number of calls etc.

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 transcribed properly. Each call must be allocated a reference number to make it possible for the caller to follow up with the hotline and/or provide additional information on a reported incident. Additionally:

- 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 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 interpret the information.
- Services rendered must comply with all relevant South African legislations i.e. Protected Disclosures Act 26 of 2000.

INFRASTRUCTURE AND CAPACITY REQUIREMENTS

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

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.
- Cutting edge recording technology.

Capacity

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

INTEGRITY AND CONFIDENTIALITY

- Hotline reports may implicate senior officials within the organization. Therefore, the Service Provider must agree an escalation mechanism with Denel to ensure such reports are free from manipulation. Furthermore, the successful bidder shall sign a confidentiality agreement as part of the contract.

SCOPE OF THE HOTLINE



Whistle-blowers in general and the public in particular, are most likely to report a wide range of issues that seem suspicious to them and may not be turned away. Turning away such callers may alienate callers who have otherwise taken much courage to report their concern.

The bidder must consider any hotline tip and give such report sufficient attention, record and report it to Denel.

CRITERIA FOR PRIORITIZATION OF HOTLINE REPORTS

The bidder must determine upon a list of reports, which are sufficiently critical to require immediate notification.

The following categories of reports may need immediate notification:

- Unethical and or unprofessional conduct
- Threat of violence and/ threat to safety
- Sexual and other forms of harassment
- Leaking classified information
- Unfair labour practice

SAFE DISSEMINATION OF HOTLINE REPORTS

In order to maintain the integrity of the information and hotline system, reports must be disseminated to designated Denel officials only in PDF, or encrypted documents

Reports are to be disseminated through an electronic system (secured by username and password) to ensure security of the reports

HOTLINE LANGUAGE



It is essential that all eleven (11) official languages be catered for during reporting.

REPORTING

- The bidder shall allocate a dedicated contact person to liaise with and report on all the activities of the hotline to the Denel Head office in Irene, Centurion.
- The bidder shall contact Denel for reports requiring immediate attention
- The bidder must be efficient to deliver high quality information in a timely manner.

REPORTS

The bidders 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

The bidder will be required to provide the following reports:

Incident reports

- Incident report recorded within 24 hours requiring attention.
- DENEL will provide feedback on the outcome of reported incident to the bidder upon request by anonymous whistle blower

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.

DATA SECURITY



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

TERMINATION OF SERVICE

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.

3. REQUIREMENTS:

Item	Description	QTY per	Total Qty
0010	HOTLINE SERVICES	1	1

4. INFORMATION SESSION

Site visit: N/A

5. PERIOD / DURATION OF PROJECT / ASSIGNMENT

Five (5) years contract

6. PREFERENTIAL PROCUREMENT POINTS ALLOCATION

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

7. EVALUATION CRITERIA

Bidder must obtain minimum of **30 points** out of possible **50points** to past the functional stage of evaluation.

WEIGHTING	MEASURE	SCORING	PAGE No.
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Company's profile and market footprint 20 points	Attach company profile and reference letters from previous clients evaluated. Reference letter must be on referrer's letterhead, contact person & details and indicate type of project performed.	3 reference letters = 20 Points 2 reference letters = 15 points 1 reference letters = 10 points <1 reference letters = 0 points	
Methodology & Approach 30 points	Write a detailed methodology on how the project will be approached. Provide a project plan with clear times, transition plan, implementation and reporting.	Methodology and approach with clear plan, time lines and resources attached = 30 points Methodology and approach which does not cover either the plan, time lines or resources will partially be compliant = 15 points	

8. MANDATORY REQUIREMENT

- **BID OPEN TO COMPANIES WITH B-BBEE LEVEL 1 & 2 ONLY.** *Kindly attach certificate as proof...*
- **BIDDER MUST BE PREPARED TO UNDERGO SECURITY SCREENING AND COMPANY VETTING**
- **ACCREDITED INSTITUTIONAL MEMBERSHIP WITH AN ETHICS INSTITUTE**
attach certified copy of valid certificate



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
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE	100



must not exceed	
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- 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-BBEE Level Contributor	Status of	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)

YES	☐	NO	☐
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- 7.1.1 If yes, indicate:

- What percentage of the contract will be subcontracted.....%
- The name of the sub-contractor.....
- The B-BBEE status level of the sub-contractor.....
- Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	☐	NO	☐
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- 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		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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



business:.....

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES	
1.	
2.	

.....	
SIGNATURE(S) OF BIDDERS(S)	
DATE:	



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 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, shareholder²):

.....

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.

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:

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 **YES / NO**
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?

2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder, **YES/NO**
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?

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



4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		

SBD 8

CERTIFICATION

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

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

.....
Signature

.....
Date



.....
Position

.....
Name of Bidder

SBD 9

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 *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:



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

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

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

SBD 9

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or 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.

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

9. 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).
- 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;

10. CLOSING DATE AND TIME



The closing date for the RFP is **20 JUNE 2024 @12:00PM.**

Quotations should be sent to:

DENEL DYNAMICS RECEPTION TENDER BOX:

1 NELMAPIUS DRIVE,

IRENE, CENTURION

NB* Tender Box is accessible weekdays Mon-Fri 08:00-15:00 only