

SBD1

**PART A
 INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)					
BID NUMBER:	Q5863/2018	CLOSING DATE:	23 February 2018	CLOSING TIME:	11:00am
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER FOR MANAGEMENT AND CLEARING OF LYTHRUM SALICARIA ON THE LIESBEEK RIVER IN CAPE TOWN.				
NO COMPULSORY BRIEFING SESSION					
BID RESPONSE DOCUMENTS MAY BE EMAILED TO:					
Naphthally Kgola at n.kgola@sanbi.org.za and copy Prince Hlongwane at p.hlongwane@sanbi.org.za					
or hand delivered to South African National Biodiversity Institute (SANBI)					
2 nd Cussonia Avenue, Brummeria, Pretoria, 0184					
at Biodiversity Building (Tender box).					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	☐ Yes ☐ No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	☐	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	☐	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	☐	A REGISTERED AUDITOR			
		NAME:			
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT (FOR EMEs & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER		DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY	SANBI	CONTACT PERSON	Mr Ashley Baloyi
CONTACT PERSON	Naphtally Kgola	TELEPHONE NUMBER	021-799 8798
TELEPHONE NUMBER	012 843 5163	FACSIMILE NUMBER	N/A
FACSIMILE NUMBER	N/A	E-MAIL ADDRESS	M.Baloyi@sanbi.org.za
E-MAIL ADDRESS	n.kgola@sanbi.org.za		

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:								
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE 1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. 1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. 1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.								
2. TAX COMPLIANCE REQUIREMENTS								
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS. 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA. 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID. 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER. 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.								
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS								
<table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</td> <td style="text-align: right;"> ☐ YES ☐ NO </td> </tr> <tr> <td>3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?</td> <td style="text-align: right;"> ☐ YES ☐ NO </td> </tr> <tr> <td>3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</td> <td style="text-align: right;"> ☐ YES ☐ NO </td> </tr> <tr> <td>3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?</td> <td style="text-align: right;"> ☐ YES ☐ NO </td> </tr> </table> IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO	3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO	3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO	3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO
3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO							
3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO							
3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO							
3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO							

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

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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:
 - 2.2 Identity Number:.....
 - 2.3 Position occupied in the Company (director, trustee, shareholder², member):
.....
 - 2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:
.....
 - 2.5 Tax Reference Number:
 - 2.6 VAT Registration Number:
 - 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below.

¹"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;

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- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

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

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

2.7.1 If so, furnish the following particulars:

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

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

Position occupied in the state institution:

Any other particulars:

.....

.....

.....

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

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

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

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

.....

.....

.....

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

2.8.1 If so, furnish particulars:

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.....

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 Income Tax Reference Number	State Number / Employee Persal Number

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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

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** R500 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable; or
- b) The 80/20 preference point system will be applicable to 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 must not exceed	100

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

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

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:

1)	certificate issued by an authorized body or person;	B-BBEE Status level
2)	prescribed by the B-BBEE Codes of Good Practice;	A sworn affidavit as
3)	prescribed in terms of the B-BBEE Act;	Any other requirement
- (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

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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

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

or

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

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 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

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paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

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

(Tick applicable box)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

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

(Tick applicable box)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

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

Designated Group: An EME or QSE which is at 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

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- ☐ (Pty) Limited
 [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
☐ Supplier
☐ Professional service provider
☐ Other service providers, e.g. transporter, etc.
 [TICK APPLICABLE BOX]

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

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

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

the other side) rule has been applied; and
(e) forward the matter for criminal prosecution.

WITNESSES

1.
2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....
.....

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's database 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 National Treasury after the <i>audi alteram partem</i> rule was applied).	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)? As this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.	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:		

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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
 Js365bW

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CERTIFICATE OF INDEPENDENT QUOTATION DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all quotations¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

Q5863/2018 – Appointment of a service provider for Management and clearing of *Lythrum salicaria* on the Liesbeek River in Cape Town.

(Quotation Number and Description)

in response to the invitation for the quote made by:

SANBI (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.
- 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.
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.
 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

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.....
Position

.....
Name of Bidder

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EXPRESSION OF INTEREST

Issued by:

South African National Biodiversity Institute (SANBI)
 Directorate ON Biological Invasions (DBI), Western Cape

Terms of Reference

Management and clearing of *Lythrum salicaria* on the Liesbeek River in Cape Town.

Contract Number	Contract duration	Bid submission date and time
(Q5863/2018)	8 days producing 64 person days	Thursday, 23 February 2018@11:00am

Period when work needs to be done: February 2018 – March 2018

Service providers must submit the following documents

(1) Completed bid document, (2) proposal and (3) supporting documents.

These documents must be submitted to SANBI by emailing them to Naphtally Kgola (N.Kgola@sanbi.org.za), Prince Hlongwane (P.Hlongwane@sanbi.org.za)

A. Overview

Lythrum salicaria (purple loosestrife) is an upright herbaceous perennial with bright, long, pink-to-purple flower spikes during summer. The species is native to Europe and Asia but has become a problematic invasive alien plant in rivers and wetlands across large areas of the USA and Canada. *Lythrum salicaria* is an aggressive competitor and displaces native vegetation to form monospecific stands. Research based in North America shows that, in wetlands, purple loosestrife alters nutrient cycling, negatively impacting plant diversity in wetlands and reduces habitat suitability for specialised wetland bird species. The aim of this contract is to prevent this species from becoming widespread and causing the same levels of disturbance as it has done elsewhere.

In South Africa, *Lythrum salicaria* is listed as a Category 1a species under NEM:BA regulation. Its known limited distribution makes this species a high priority candidate for complete eradication. To date, the species has only been detected along the Liesbeek River in Cape Town, South Africa. In and along the Liesbeek River, the total area occupied is approximately 2.4ha.

The objective is to find, record the locality and remove each plant, before seed-set. To locate each plant, extreme thoroughness and attention to detail is required. The data to be gathered within

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the ambit of the contract will be used to track progress toward eradication and inform adaptive management.

B. Description of *Lythrum salicaria*



Lythrum salicaria in summer (Liesbeek River).
distinguished only by an experienced eye.



When not in flower, *Lythrum* can be

L. salicaria is a perennial plant that can grow 1–2 m tall, forming clonal colonies 1.5 m or more in width with numerous erect reddish-purple stems growing from a single woody root mass. The flowers are pink to reddish purple, 10–20 mm diameter. Flowering lasts throughout the summer. The fruit is a small 3–4 mm capsule containing numerous minute seeds. When the seeds are mature, the leaves often turn bright red through dehydration in early autumn; the red colour may last for almost two weeks.

C. Background to the site

The Liesbeek River is a highly transformed urban river system. It is managed for multiple recreation uses and flood attenuation. It is an important asset for urban residents as well as the City of Cape Town in terms of storm water and flood management. Restoration of biodiversity is an additional goal along sections of the Liesbeek River. Invasion by purple loosestrife would impact on these objectives and would increase the risk of the plant spreading to other wetlands and river systems.

The Liesbeek River has several associated reed beds (dominated mainly by *Phragmites* and *Typha* reed species) which conceal *Lythrum salicaria* plants. These are The Raapenberg, the River Club and the Valkenberg reed beds (total area: 8.5ha). Difficulty to access *Lythrum salicaria* in these reed beds presents a major challenge to control efforts. The SANBI-DBI needs assistance to keep these reed beds 'open' throughout the year for a number of years in order to improve opportunities to search for and to facilitate access to purple loosestrife once it is detected.

D. Description of the task

SANBI is seeking to appoint a service provider to do the following tasks for the Spring/Summer 2017 – 2018 financial period:

- Use brush cutters to clear the reeds in the reed beds of the Liesbeek River in and around The River Club in Observatory, Cape Town.
- Amongst other, similar-looking vegetation, find and treat *Lythrum salicaria* plants either by digging them out (where feasible) or foliar spraying with 2.5% glyphosate herbicide provided by SANBI.
- Two treatment cycles are needed: the 1st set of four days is for treatment one (December 2017) and the 2nd set of four days is for treatment two (January 2018).

E. General

E.1 Guidelines for applications

- Intimate field knowledge of and a track record of experience with *Lythrum salicaria* species – morphology, invasive habits, where it is most likely to grow, and fine scale ability to detect the species amongst other similar-looking vegetation, both during the flowering and non-flowering season, are essential requirements.
- Certification for the operation of brush cutters is required.
- Certification for the application of herbicides is required.
- An existing relationship with the City of Cape Town and the Friends of the Liesbiek is essential.
- Previous track record with treating *Lythrum salicaria* species is essential.
- The contractor must be based in Cape Town to keep travel costs to a minimum.

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E.2 Interested candidates must submit:

Mandatory requirements

- Contractors must be compliant with the Occupational Health & Safety Act No: 85 of 1993 (as amended), in particular section 37 (2) c, and be registered under Compensation for Occupational Injuries and Diseases Act . (Provide proof valid letter of good Standing with COIDA
- Proof that Service provider has is in good standing with (UIF). Provide a valid UIF letter of compliance)
- Provide proof of a public liability insurance of up to R1,000,000.00 (One Million Rand) to protect both SANBI and the contractor in the case of claims due to accidents such as inappropriate use of herbicides, fires caused by crew members or motor vehicle accidents caused as a result of implementing the contract.

General

Interested candidates must submit the following (written in English):

- SBD forms duly completed (1, 4, 6.1, 8 and 9)
- A valid certified B-BBEE certificate or sworn affidavit. (Please note that failure to submit a valid B-BBEE certificate/sworn affidavit mentioned above will not necessarily result in a bid being disqualified, but no points will be awarded for B-BBEE status.)
- The service provider must have prior surveying and alien clearing experience must provide an excellent track record of surveying and clearing.
- A brief project proposal (hand written or typed) outlining why the candidate is suited for carrying out the tasks as described (i.e. describe relevant skills, experience and track record).
- All relevant supporting documentation proving adherence to Health and Safety legislation. These are outlined in the “General conditions and minimum requirements” section of this document.
- Service Providers must provide documentation detailing incident reporting and investigation procedures.

- All relevant supporting documentation proving adherence to Health and Safety legislation.
- Contractors must include cost for applicable health and safety needs.

E.3 Quotation evaluation

The evaluation of proposals will go through a two-stage process. Stage one will be based on functionality. Evaluation of proposals will be done according to the following criteria;

Criteria for measuring Functionality	Weight
Experience in clearing and data collection on any of the target species. Supply company profile with references.	30
• 3 years and more clearing experience with data collection • 3 years and more clearing experience without data collection • 1-2 year clearing experience with data collection • 1-2 year clearing experience without data collection • No experience	30 20 20 10 0
Qualification, expertise and skills of team and supervisor – see list below	30
• Teams with 6 or more of the listed qualifications. • Teams with 5 of the listed qualifications. • Teams with 4 of the listed qualifications. • Teams with 3 of the listed qualifications. • Teams with 2 of the listed qualifications. • Teams with 1 of the listed qualifications.	30 25 20 15 10 5
Distance from contractor's home to nearest site(Provide proof of residence)	20
• 50 km and under • 100 km and under • 200 and under • 201 and more	20 15 10 0
Contractor team make up (Provide team structure indicating gender and disability)	20
• Have at least 1 disable, 7 female and 3 youth • 5 female and 3 youth with no disable person • Not reaching the above standard	20 10 0
TOTAL	100

** Service providers who fail to score a minimum of 60 points out of a possible 100 points on the functionality criteria will not be eligible for further consideration.

List of qualification to be used in the evaluation process:

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Profesional Driving Permit	Environmental Awareness training
Herbicide Applicator	Brushcut operation
First Aid level 1 or 3	Public health
Occupational Health and Safety training	HIV and Aids workshop attendance

The second stage will be based on price and preference points of those bids that meet the minimum threshold for technicality. In accordance with the Preferential Procurement Regulations, 2017 pertaining to the Preferential Procurement Policy Framework Act 2000), the 80/20 point system will be applied in evaluating proposals that qualify for further consideration, where price constitutes 80 points and a maximum of 20 points will be awarded based on the bidder's B-BBEE Status Level Certificate.

Please note that price will be standard and is based on regulated working for water rates.

Failure to submit a valid B-BBEE certificate/sworn affidavit mentioned above will not necessarily result in a bid being disqualified, but no points will be awarded for B-BBEE status.

Sufficient information must be provided to allow the evaluation panel to score bids against all these criteria. Failure to do so may result in the disqualification of bids.

Reporting requirements and management

- The contractor will report to Virgil Jacobs and Nolwethu Jubase.

Contractual agreements

- A Service Level Agreement will be drawn up between SANBI and the service provider.

Site briefing

- There will be a no site briefing as service providers are expected to be familiar with the species and their localities on the Liesbeek River.

Equipment provided

- SANBI will provide the brush cutters, herbicide and wetting agent.

Submission of the bid

- Bids must be submitted on or before Friday, 23 February 2018 to Mr. Naphtally Kgola (N.Kgola@sanbi.org.za) and Mr Prince Hlongwane (P.Hlongwane@sanbi.org.za).
- **Requests for more information** may be directed to Mr Virgil Jacobs on

021-799 8798 or by email to: V.Jacobs@sanbi.org.za.

F. Locality maps



Above maps show the localities of the three reed beds on the Liesbeek River to be managed as part of this contract).

The combined area of the three reed beds is 8.5ha.

Infield operations will be inspected using the checklist below:

General conditions and minimum requirements checklist	
The asterisk (*) indicates that contractors must submit proof when submitting the BID.	
A. Transport	
1	All vehicles and trailers must display a valid license disk
2	The authorised vehicle should be on site at least 80% of the time
*3	A valid Roadworthy Certificate must be with the vehicle at all times (Provide proof of certificate)
4	A daily pre-trip vehicle and trailer check must be done on all vehicles used in a project
5	All drivers must have a valid driver's license for the vehicle class used
*6	All drivers transporting beneficiaries must be in possession of a valid Professional Driving Permit (PDP) attach proof of certificate)
7	Benches must be secured
8	Canopies or tarpaulins are properly secured and ventilated
9	Tools, equipment, herbicides and containers must be suitably secured and isolated from passengers in a fixed bin on the vehicle or in a towed trailer
B. Personal Protective Equipment and Clothing (PPE)	
1	PPE must meet the minimum prescribed standards of quality (EU or SABS)
2	PPE must be replaced when it becomes ineffective through wear & tear
3	A record must be kept of all PPE issued to contractors and workers, and signed for by them, with the acknowledgement to wear the PPE.
4	All beneficiaries (contractors & workers) must wear yellow WfW T-shirts at all times when involved with any WfW activity
5	Life jackets must be available to the workers where there is a risk of workers falling into the water.
6	Ensure hard hats are worn when felling large trees and sunhats for other operations.
C. Health and Safety	
1	A Site Emergency Evacuation Plan must be drafted and communicated to all personnel
2	Where relevant, hazards in the working area must be taped off. e.g. trenches, holes, hang-ups etc.
3	A first aid kit, fully stocked according to the standard stock list, must be easily accessible at all work sites, and regularly inspected by the PM, Contractor and First Aider.
4	All first aid treatment and usage of stock must be recorded in the dressing book kept on site / regional office
5	The First Aid kit must be under control of a trained First Aider with a current valid certificate
6	There must be an alternative trained First Aider of opposite gender in the team
7	A list of emergency numbers must be kept in the first aid box e.g. ambulance, doctor, hospital, fire brigade, poison info centre
*8	A copy of the competency certificate of the first-aider must be kept onsite in the H&S file attach proof of certificate)
*9	Two Health and Safety representatives that have completed the Health and Safety awareness course must be appointed and appointment letters kept onsite in the H&S file
10	The use of any mind altering substances is not allowed on-site (alcohol, dagga and other substances)
11	The contractor should be informed of any adverse weather conditions
12	If the temperature drops below 6 degrees Celsius for over four hours: stop work!
13	Clean water and soap must be provided and used for hand washing
14	The supply of sufficient drinking water to the workers as per the safety standards must be provided. The container must clearly state: drinking water
D. Method of work	
1	All teams must be on contract work
2	Appropriate clearing methods applied
3	Handling / processing of cleared material must be kept to a minimum. If stacking is unavoidable, the brush lines must be planned for site impact & topography
4	The method must comply with Health & Safety requirements
5	No frilling / ring barking is allowed within two (2) tree lengths of roads, fences, telephone and power lines, infrastructure (e.g. buildings) or in the riparian zone of a river
6	Tool use and tasks must be in line with the site-specific requirements
7	Daily production tasks must be set and actual production must be measured and recorded
8	Record of inspection of method, quantity and quality according to the contract
9	Only identified invasive alien species within the contract boundaries must be treated

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E. Environmental Awareness

- 1 There must be no litter from WfW activities on work sites, at any time and there must be a litter bag on site at the demarcated gathering area, cleared or removed daily
- 2 Contractor and workers to demonstrate knowledge of how to remedy oil and herbicide spillage
- 3 Provide accessible sanitation (toilet, toilet paper, spade), human waste and used toilet paper must be buried at least 20m distant from any watercourses or water bodies
- 4 When working in sensitive areas (e.g.: urban sites, riparian sites and wetlands) portable toilets must be provided on site and the waste removed and disposed of in an acceptable manner
- 5 Clean water and soap must be provided and used for hand washing
- 6 Indigenous plants should not be damaged and animals must not be harmed
- 8 No species of animal may be poached, snared, hunted, captured or wilfully harmed, damaged or destroyed. snares must be reported to land owners, PM or conservation authorities or removed if possible
- 10 Anthills and/or termite nests that occur must not be disturbed
- 11 Where cleared material must be moved from the site, measures must be taken to prevent dispersal of reproductive material (e.g. seeds, cuttings)
- 12 Methods used must ensure that weeds are not distributed by the contractor and employees
- 13 Demonstrate knowledge that all finds of human remains must be reported to the nearest police station.

F. Fire Fighting and Protection

- 1 Fire Precautions on work sites
- 2 Smoking allowed in safe indicated areas, designated by the contractor / manager / landowner
- 3 No fires are allowed on work sites
- 4 Site specific reaction / evacuation rules must be applied in the case of wild fires
- 5 Basic appropriate firefighting equipment must be available at each work site; a minimum of 5 fire beaters
- 6 Where fuels and machines are used on site, a 2 kg dry chemical powder fire extinguisher in working condition must be available

G. Employment

- 1 Contractors must pay the workers at least the minimum equivalent daily wage rate as per latest National Working for Water Circular
- 2 There must be a system in place to ensure the quoted wages are paid to beneficiaries
- 3 The maximum value of the task must be based on the max allowable price calculation
- 4 A wage agreement must be in place for each worker per contract detailing the rate, days and total wage to be paid
- 5 Contractors must have an employment contract with their workers. All work will be contract work
- *6 Contractors must ensure the following worker ratio: women: 60%, youth: 20%, disabled persons: 2%
- 7 Workers must demonstrate an understanding of the contents of the contract
- 8 The grievance procedure and disciplinary code must be available and understood by the workers

H. Tools and Equipment

- 1 Hand tools(e.g. lopper, pruning saw etc.) must be best suited to the work and the size of plants being cleared
- 2 The tools must have correct and properly secured handles and must be in safe working order
- 3 A sharpening stone/file, with a hand grip, must be on site
- 4 Safe working distances of at least two (2) tool-reach lengths apart must be maintained
- 5 Gloves and goggles must be worn when sharpening tools
- 6 Chainsaws must be in good condition and used correctly
- 7 Only certified operators may operate machines and have been assessed for competence every six months
- 8 The chainsaws must be best suited to the clearing work and timber size
- 9 There must be a service maintenance schedule for all chainsaws services (daily, weekly) are done and recorded
- 10 Safety and operational features must be in good order as per standard checklist
- 11 Correct felling / clearing techniques are applied
- 12 Correct re-fuelling procedures are followed to prevent spillages
- 13 Chain sharpening is correctly done with the correct tools at each refuelling
- 14 A cleared area, at least six (6) metres from rest areas, demarcated with hazard tape must be used to store fuel
- 15 Fuel and oil containers at the in-field fuel site must be stored on an absorbent drip-mat or drip-tray
- 16 A 2 kg dry chemical powder (DCP) fire extinguisher must be at least 3m distant from the fuel site and easily visible

J. Herbicides

- 1 Workers demonstrate knowledge and skills of the risk of working with the selected chemicals and how to avoid that risk
- *2 Only workers with up to date herbicide applicator training certificates may apply herbicides(attach proof of certificate)
- 3 Only registered herbicides as detailed in the WfW herbicide policy or on the product label may be used
- 4 In the absence of a built in colourant a suitable dye must be used in applications

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5	Washing of equipment must take place in a designated area, using the triple-rinse method
6	All equipment, supplies, herbicides, fuel and oils must be safely and securely stored with controlled access, in a suitable lockable building, container or a lockable trailer
7	Workers must wear appropriate PPE to avoid contact with herbicides
8	No herbicides must be applied in rainy, overcast or windy weather or when the temperature is too high.
K. Contract administration	
1	Contractors must be compliant with the Occupational Health & Safety Act No: 85 of 1993 (as amended), in particular section 37 (2) c. Contractors must encourage their workers to act responsibly with regards to their personal health in general and specifically in relation to HIV-AIDS
2	The following documents must accompany invoices: Herbicide usage sheets, signed timesheets, vehicle log sheets, signed pay-out sheets, signed pay agreement sheets, bonus payment sheets, and certified ID copies of workers. The following Health and Safety documents must accompany invoices: Near-misses report, injury on duty reports and daily vehicle checklists
3	A timesheet must be kept of daily worker attendance, it must be up to date and available on site.