In terms of Section 55(2) (b) of the Protected Areas Act 57 of 2003, SANParks, in managing national parks, is mandated to sell, exchange or donate any animal, plant or other organism occurring in a park, or purchase, exchange or otherwise acquire any indigenous species which it may consider desirable to reintroduce in a specific park”

Offer to Purchase ELAND, GEMSBOK and CAPE MOUNTAIN ZEBRA – from KAROO NP

1. WHEREAS SANParks has publicly advertised for offers from third parties to purchase some or all of the Eland, Gemsbok and Cape Mountain Zebra on offer from the Karoo National Park from veld to veld;

Offer to Purchase CAPE MOUNTAIN ZEBRA – from CAPE MOUNTAIN ZEBRA NP

2. WHEREAS SANParks has publicly advertised for offers from third parties to purchase some or all of the Cape Mountain Zebra on offer from the Mountain Zebra National Park from veld to veld;

AND WHEREAS the BIDDER wishes to make an offer before 23 April 2018 to purchase some or all of the Eland, Gemsbok and Cape Mountain Zebra from SANParks;

NOW THEREFORE the BIDDER submits an offer to SANParks to purchase some or all of the Eland and Gemsbok and Cape Mountain Zebra from SANParks on the basis set out in this Offer read with the attached Conditions of Sale;
1. **BIDDER's DETAILS:**

**Personal identification detail:**
- Name of Bidder: ...............................................................  
- ID Number: ........................................................................

<table>
<thead>
<tr>
<th>Postal Address</th>
<th>Physical Address</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Contact detail:**
- Tel: ............................................................................
- Fax: ............................................................................
- Cell: ............................................................................

2. **SPECIFIC TERMS TO APPLY TO BIDDER'S OFFER**

2.1 The BIDDER hereby agrees that the following terms and conditions shall apply to this Offer:

2.2 The SANParks Sale of Eland, Gemsbok and Cape Mountain Zebra Conditions of Sale attached to this Offer shall apply to this Offer.

2.3 SANParks shall be entitled in its absolute discretion to accept or to reject this Offer in whole or in part.

2.4 This Offer, if accepted by SANParks, shall be subject to the suspensive condition that the Bidder and SANParks sign a Sales Agreement for the sale of Eland, Gemsbok and Cape Mountain Zebra referred to in this Offer, on terms and conditions acceptable to SANParks, within a period of 10 calendar days after SANParks advising the Bidder in writing of SANParks’ acceptance of the Offer, failing which this Offer will lapse and be of no further force or effect.
2.5 Only if a Sales Agreement is validly concluded, will delivery of Eland, Gemsbok and Cape Mountain Zebra take place.

2.6 The sales price owing for the purchase of the Eland, Gemsbok and Cape Mountain Zebra shall be paid to SANParks, in cash, without deduction or set – off, in accordance with the Sales Agreement, and into a bank account nominated by SANParks, prior to any translocation of Eland, Gemsbok and Cape Mountain Zebra commencing.

2.7 SANParks will be under no obligation to allow the Eland, Gemsbok and Cape Mountain Zebra or any number thereof to move out of the control of SANParks unless and until it is satisfied that all amounts owing for all of the Eland, Gemsbok and Cape Mountain Zebra have been paid.

3. **COMPLIANCE WITH APPLICABLE LEGISLATION**

3.1 In making this Offer and in subsequently agreeing to contract with SANParks to purchase Eland, Gemsbok and Cape Mountain Zebra specified in this Offer, the Bidder undertakes and agrees that the Bidder will adhere to all applicable national and provincial legislation, regulations and guidelines as may apply to the sale, transport, delivery and subsequent possession, management and use of the Eland, Gemsbok and Cape Mountain Zebra.

3.2 As such the Bidder agrees, insofar as any such provisions will apply to the sale of the Eland, Gemsbok and Cape Mountain Zebra:

3.2.1 To comply with the provisions of the National Environmental Management: Biodiversity Act No. 10 of 2004 (“the NEMBA”) and the Animal Disease Act (Act 35 of 1984)

3.2.2 To comply with the provisions of all applicable provincial legislation;

3.2.3 To apply for and to be in possession of all permits as may be required under the said national and provincial legislation, regulations and guidelines, at the time of the translocation and delivery of the Eland, Gemsbok and Cape Mountain Zebra to the Bidder, or such earlier time as may be specified by SANParks;

3.3 Where a permit is issued subject to conditions, the Bidder shall prove to the satisfaction of SANParks that the Bidder has complied with all such permit conditions.
4 MINIMUM REQUIREMENTS

4.1 Any bidder who fails to comply with the below requirements WILL be eliminated and the bid will not be considered.

4.2 Bid forms must be properly received on the bid closing date and time.

4.3 Bid forms must be fully completed, dated, signed in ink and initialed on every page.

4.4 Submission of original valid Tax Clearance Certificate (SBD 2).

4.5 Any bid proposal without an original valid Tax Clearance Certificate will be considered non-responsive and shall be disqualified.

4.6 Submission of fully completed SBD4 (Declaration of Interest).

4.7 Submission of fully completed SBD 8 (Declaration of Bidder’s Past SCM Practice).

4.8 Submission of fully completed SBD 9 (Certificate of Independent Bid Determination).

5 PREFERENCES

5.1 Preferences are offered to bidders for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution in case of equal submitted offers/prices. For this purpose complete SBD 6.1 and submit valid B-BBEE certificate to qualify for preference in cases of equally submitted bids / prices offers.

Signature: .................................................. Date: ......................

FULL NAME: .................................................................

(O.b.o. the Bidder and hereby warranting his/her authority to sign)
5. BIDDER’s BID/ OFFER (KWS-003-2018):

5.1 The Bidder hereby offers to purchase the following Eland, Gemsbok and Cape Mountain Zebra from SANParks, Karoo National Park, at the prices referred to in the table below.

<table>
<thead>
<tr>
<th>Estimated Number of Animals per Group</th>
<th>Species</th>
<th>Ratio</th>
<th>Quoted Price Per Animal Excluding Vat</th>
<th>Amount</th>
<th>Vat (15%)</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Eland</td>
<td>Males</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Eland</td>
<td>Males</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Eland</td>
<td>Males</td>
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<td>4</td>
<td>Eland</td>
<td>Males</td>
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<td>4</td>
<td>Eland</td>
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<td>4</td>
<td>Eland</td>
<td>Males</td>
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<tr>
<td>4</td>
<td>Eland</td>
<td>Males</td>
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<td></td>
<td></td>
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<tr>
<td>4</td>
<td>Eland</td>
<td>Males</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Eland</td>
<td>Family Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Eland</td>
<td>Family Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Eland</td>
<td>Family Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Eland</td>
<td>Family Group</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>20</td>
<td>Eland</td>
<td>Family Group</td>
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<tr>
<td>20</td>
<td>Eland</td>
<td>Family Group</td>
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</tr>
<tr>
<td>20</td>
<td>Eland</td>
<td>Family Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
5.2 The Bidder hereby offers to purchase the following Gemsbok and Cape Mountain Zebra from SANParks, **Karoo National Park**, at the prices referred to in the table below.

<table>
<thead>
<tr>
<th>Estimated Number of Animals per Group</th>
<th>Species</th>
<th>Ratio</th>
<th>Quoted Price Per Animal Excluding Vat</th>
<th>Amount</th>
<th>Vat (15%)</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Gemsbok</td>
<td>Family Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Gemsbok</td>
<td>Family Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Gemsbok</td>
<td>Family Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Gemsbok</td>
<td>Family Group</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>15</td>
<td>Gemsbok</td>
<td>Family Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Gemsbok</td>
<td>Family Group</td>
<td></td>
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<tr>
<td>15</td>
<td>Gemsbok</td>
<td>Family Group</td>
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<tr>
<td>15</td>
<td>Gemsbok</td>
<td>Family Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Gemsbok</td>
<td>Family Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Gemsbok</td>
<td>Family Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Cape Mountain Zebra</td>
<td>Family Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Cape Mountain Zebra</td>
<td>Family Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Cape Mountain Zebra</td>
<td>Family Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>5</td>
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<td>Family Group</td>
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<tr>
<td>5</td>
<td>Cape Mountain Zebra</td>
<td>Family Group</td>
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<tr>
<td>5</td>
<td>Cape Mountain Zebra</td>
<td>Family Group</td>
<td></td>
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</tr>
<tr>
<td>5</td>
<td>Cape Mountain Zebra</td>
<td>Family Group</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>
5.3 The Bidder hereby offers to purchase the following Cape Mountain Zebra from SANParks, **Mountain Zebra National Park**, at the prices referred to in the table below.

<table>
<thead>
<tr>
<th>Estimated Number of Animals per Group</th>
<th>Species</th>
<th>Ratio</th>
<th>Quoted Price Per Animal Excluding Vat</th>
<th>Amount</th>
<th>Vat (15%)</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cape Mountain Zebra</td>
<td>Family Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Cape Mountain Zebra</td>
<td>Family Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Cape Mountain Zebra</td>
<td>Family Group</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>5</td>
<td>Cape Mountain Zebra</td>
<td>Family Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Cape Mountain Zebra</td>
<td>Family Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Cape Mountain Zebra</td>
<td>Family Group</td>
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</tr>
<tr>
<td>5</td>
<td>Cape Mountain Zebra</td>
<td>Family Group</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Cape Mountain Zebra</td>
<td>Family Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SBD 4

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.
“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.

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

2.7 Are you or any person connected with the bidder presently employed by the state? YES / NO
2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: ..............................................
Name of state institution at which you or the person connected to the bidder is employed: ...........................................................
Position occupied in the state institution: ................................................
Any other particulars:
........................................................................................................
........................................................................................................

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? YES / NO
2.7.2.1 If yes, did you attach proof of such authority to the bid document? YES / NO

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.)
2.7.2.2 If no, furnish reasons for non-submission of such proof:

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

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? 

YES / NO

2.8.1 If so, furnish particulars:

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

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? 

YES / NO

2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? 

YES/NO

2.10.1 If so, furnish particulars.

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

2.11 Do you or any of the directors / trustees / shareholders / members 

YES/NO
of the company have any interest in any other related companies whether or not they are bidding for this contract

2.11.1 If so, furnish particulars:

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

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

<table>
<thead>
<tr>
<th>Full Name</th>
<th>Identity Number</th>
<th>Personal Income Tax Reference Number</th>
<th>State Employee Number / Persal Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

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


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 The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.
1.3 Preference points for this bid shall be awarded for:
   (a) Price; and
   (b) B-BBEE Status Level of Contribution.
1.4 The maximum points for this bid are allocated as follows:

<table>
<thead>
<tr>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRICE</td>
</tr>
<tr>
<td>B-BBEE STATUS LEVEL OF CONTRIBUTION</td>
</tr>
<tr>
<td>Total points for Price and B-BBEE must not exceed</td>
</tr>
</tbody>
</table>

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:

\[ Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}}\right) \quad \text{or} \quad Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}}\right) \]

Where
\[ Ps \quad = \quad \text{Points scored for price of bid under consideration} \]
\[ Pt \quad = \quad \text{Price of bid under consideration} \]
\[ P_{min} \quad = \quad \text{Price of lowest acceptable bid} \]

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:

<table>
<thead>
<tr>
<th>B-BBEE Status Level of Contributor</th>
<th>Number of points (90/10 system)</th>
<th>Number of points (80/20 system)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>9</td>
<td>18</td>
</tr>
<tr>
<td>3</td>
<td>6</td>
<td>14</td>
</tr>
</tbody>
</table>
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: \[ \phantom{+} \] = \[ \phantom{+} \] (maximum of 10 or 20 points)

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

7. **SUB-CONTRACTING**

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

(Tick applicable box)

- YES
- NO

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted?

\[ \phantom{+} \] = \[ \phantom{+} \] %

ii) The name of the sub-contractor:

\[ \phantom{+} \]

iii) The B-BBEE status level of the sub-contractor:

\[ \phantom{+} \]

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:

<table>
<thead>
<tr>
<th>Designated Group: An EME or QSE which is at least 51% owned by:</th>
<th>EME</th>
<th>QSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black people</td>
<td></td>
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<td>Black people who are youth</td>
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<td>Black people who are women</td>
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<td>Black people with disabilities</td>
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<td>Black people living in rural or underdeveloped areas or townships</td>
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<td>Cooperative owned by black people</td>
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<td>Black people who are military veterans</td>
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<td>Any QSE</td>
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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
[CLICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

………………………………………………………………………………………………………………
………………………………………………………………………………………………………………
………………………………………………………………………………………………………………
………………………………………………………………………………………………………………

8.6 COMPANY CLASSIFICATION

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

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<th>WITNESSES</th>
<th>SIGNATURE(S) OF BIDDERS(S)</th>
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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.

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<th>Item</th>
<th>Question</th>
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<th>No</th>
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| 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 audi alteram partem 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:

I, THE UNDERSIGNED (FULL NAME)………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………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This Standard Bidding Document (SBD) must form part of all bids invited.

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). Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

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.

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.

In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:
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.
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