



**REQUEST FOR BIDS**

<b>To:</b>	<b>ALL PROSPECTIVE SERVICE PROVIDERS</b>
<b>Project Name:</b>	<b>INTERNAL AUDIT SERVICES</b>
<b>Requestor:</b>	<b>Cacadu Development Agency</b>
<b>BID NO.</b>	<b>03/2022-2023</b>
<b>NOTICE NO.</b>	<b>12 of 2022-2023</b>
<b>Briefing (Compulsory):</b>	<b>Meeting NONE</b>
<b>Proposals to be Delivered by:</b>	<b>29 May 2023 at 12:00</b>

**TERMS OF REFERENCE**

**BACKGROUND**

The CDA was established in 2012 with the aim of being the special purpose vehicle (SPV) or implementing arm of catalytic projects for the Sarah Baartman District Municipality (SBDM). These projects would find expression in the district and local Integrated Development Plans (IDP) and implemented at local government level. The agency will partner and collaborate with the various levels of government and solidify its role as preferred implementer for various provincial and national sector departments. Identified projects will find expression in the District Development Model (DDM) or One Plan which is a blueprint for complementary development at local level. Partnerships with the private sector and civic organizations will be for the greater good of local development, job creation, skills development, and employment.

**Invitation to Bid**

CDA requires a service provider to supply professional Internal Audit Services, for a three (3) year period. Internal audit services are required at the CDA offices which are currently situated at 32 Govan Mbeki Avenue, Central, Port Elizabeth. The CDA may within this period relocate to alternative premises within the Sarah Baartman District.

Prospective service providers must be registered with the Institute of Internal Auditors, South African Institute of Chartered Accountants (SAICA), Independent Regulatory Board of Auditors (IRBA) and other relevant accredited professional bodies. Proof of membership within the name of the bidding company, must be submitted with the bid document. Failure to submit the required documentation will lead to disqualification of the bid.

In terms of section 165 of the Municipal Finance Management Act (No. 56 of 2003):

- Each municipality and each municipal entity must have an internal audit unit.
- The internal audit unit of a municipality or municipal entity must:
  - Prepare a risk-based audit plan and an internal audit programme for each financial year.

- Advise the accounting officer (Chief Executive Officer) and report to the audit committee on the implementation of the internal audit plan and matters relating to:
  - Internal Audit
  - Internal Controls
  - Accounting Procedures and Practices
  - Risk and Risk Management
  - Performance Management
  - Loss Control
  - Compliance with the MFMA and the annual Division of Revenue Act and other applicable legislation.
- Perform duties that may be assigned to it by the accounting officer.
- The internal audit function may be outsourced if the municipality or municipal entity requires assistance to develop its internal capacity and the Council of the Municipality or the board of directors of the municipal entity has determined that this is feasible or cost effective.

### **Specifications**

The objective of internal auditing is to assist the Accounting Officer in the effective discharge of his/her duties and responsibilities. To this end, internal auditing is a management tool that furnishes the Accounting Officer with analyses appraisals, recommendations and information concerning the activities reviewed.

### **Scope of work**

**It is expected that the appointed service provider will fulfill the following tasks in ensuring that the CDA effectively and efficiently dispose of its mandate:**

- 1) Provision of internal audit services that are independent and objective, to add value and provide combined assurance to improve CDA's operations. The internal audit FUNCTION should:
  - Co-ordinate all reviews, evaluations and / or investigation of activities within CDA.
  - Liaise with the external auditors and ensure that the risk-based audit plans are complementary.
  - Comply with standards, codes of conduct and ethics that are promulgated from time to time by the relevant professional bodies.
- 2) An effective internal audit function should provide:
  - Assurance that the management processes are adequate to identify and monitor significant risks.
  - Confirmation of the effective operation of the established internal control systems.
  - Credible processes for feedback on risk management and assurance.
- 3) The internal audit plan should be based on the risk assessment, as well as on issues highlighted by the Audit Committee and senior management.
- 4) Internal audits should be conducted in accordance with the standards set by the Institute of Internal Auditors South Africa (IIA SA). The internal audit service must prepare and submit the following for consideration to the Audit Committee:
  - a three-year strategic internal audit plan, based on the assessment of key areas of risk for the CDA, having regard to its current operations, those proposed in the strategic plan, and the risk management strategy.
  - an annual internal audit plan for each financial year based on management risk priorities.
  - plans indicating the proposed scope of each audit in the annual internal audit plan.
  - reports to the Audit Committee detailing performance against the plan, to allow effective monitoring and intervention when necessary.

- 5) The internal audit function should facilitate the risk identification process, together with the Accounting Officer and management.
- 6) The internal audit function must assist management in monitoring, evaluating, and assessing significant risks, and by providing assurance as to the effectiveness of related internal controls.
- 7) The internal audit function must report directly to the Audit Committee. All internal audit reports prepared must be submitted to this committee of council. A senior level of the project team must attend all scheduled Audit Committee meetings.
- 8) The internal audit function should co-ordinate with other external providers of assurance to ensure proper coverage of financial, operational and compliance controls and to minimize duplication of effort.
- 9) The internal audit function must assist the CDA in maintaining effective controls by evaluating those controls to determine their effectiveness and efficiency, and by developing recommendations for enhancements or improvements.
- 10) The internal audit function must assist the CDA in achieving the objectives of the Agency by evaluating and developing recommendations for the enhancement or improvement of the processes through which:
  - objectives and values are established and communicated,
  - the accomplishment of objectives is monitored,
  - accountability is ensured; and
  - corporate values are preserved.
- 11) The internal audit function must implement and maintain a dedicated hotline, on behalf of CDA, to receive calls on alleged incidents of fraud and corruption (whistleblowing).
- 12) Of critical importance is to provide services (including assurance) on the internal financial and compliance controls which would be sufficient to enable the Auditor General (AG) to place reliance thereon (thereby reducing overall auditing fees).
- 13) In order to reduce cost deemed practicable, prospective service providers will be expected to make available generic documents free of charge.

### Functionality

Bidders that do not obtain a minimum score of 75% on functionality criteria will not qualify for further evaluation.

Functionality will be assessed as follows:

Criteria	Weight	Requirement	Value	Score
Experience of Company in the Provision of Internal Audit Services in Local Government	20	More than 10 years' experience	5	
		6 to 10 years' experience	4	
		3 to 5 years' experience	3	
		Less than 3 years	1	
Experience and Qualifications of Project Team	15	Project Partner/Director: CA(SA) with 10 years' experience or more and	5	

		Project Internal Audit Manager with relevant designate with 5 years' experience or more		
		Project Partner/Director: CA(SA) with more than 5 than years' experience and Project Internal Audit Manager with relevant designate with 5 years' experience or more	3	
		Project Partner/Director: CA(SA) with less than 5 years' experience and Project Internal Audit Manager with relevant designate with less than 5 years' experience.	1	

**PROJECT BUDGET AND PRICING**

Proposals must remain valid for 90 days after the submission date.

The preferred service provider shall be appointed on the basis that the submitted proposal shall be within the final project budget.

**CONFLICT OF INTEREST**

CDA expects the bidders to observe the highest standards of ethics during the execution of this contract and reserves the right to terminate the contract at any stage if it is determined that these standards have been or may become compromised.

It should be noted that the agency will request verbal and / or written inputs on an ad hoc basis, as and when required, but it is envisaged that these inputs will be essential to an extent where implementation of project is finally completed.

All relevant information must accompany all quotations submitted. No late or incomplete quotation will be accepted for consideration.

CDA reserves the right not to accept the lowest or any proposal and no reason to the acceptance or rejection of proposal will be furnished.

**EVALUATION**

Bids will be evaluated in terms of the **80/20** preferential point system, i.e. 80 for price and 20 for specific goals as stated in MBD 6.1 below.

Bids should be submitted via Email to [formalquotes@cacadudevelopment.co.za](mailto:formalquotes@cacadudevelopment.co.za) (subject reference clearly stated as **“Request For Bids NO: 03/2022-2023, INTERNAL AUDIT SERVICES, before 12h00 noon on Friday, 29 May 2023.**

For further enquiries related to the Request for Bids, please contact Mr. L Nomarwayi on (041) 508 7030 / E-mail: [lnomarwayi@cacadudevelopment.co.za](mailto:lnomarwayi@cacadudevelopment.co.za).

**All service providers are required to register on the Central Supplier Database (CSD).** Information on the CSD is available on the CSD website: [www.csd.gov.za](http://www.csd.gov.za)

The only or lowest bid submitted shall not necessarily be accepted.

CDA reserves the right not to make an appointment.

APPROVED:  .....

**CHIEF EXECUTIVE OFFICER (CDA)**

DATE: 12.05.2023 .....

Name of Bidder: .....	Bid Number: 03/2023
Closing Time: 12:00	Closing Date: <u>29 May 2023</u>

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID.

**INTERNAL AUDIT SERVICES**

The positions below are for the project team who would be responsible for providing the Internal Audit Service.

POSITION	HOURLY RATE (VAT incl.) (each) Year 1	HOURLY RATE (VAT incl.) (each) Year 2	HOURLY RATE (VAT incl.) (each) Year 3
DIRECTOR			
AUDIT MANAGER			
AUDIT CLERK			
SPECIALIST			

The above hourly rates must be all inclusive, and be in line with SBDM Cost Containment Policy, paragraph 7.4(b).

**TRAVEL EXPENSES AND ACCOMMODATION**

TYPE	MAX RATE (VAT incl.) Year 1	MAX RATE (VAT incl.) Year 2	MAX RATE (VAT incl.) Year 3
Return Flight (Max rate per person)			
Vehicle (Max rate per kilometer)			
Vehicle (Max rate to hire)			
Accommodation (Max rate per person per night)			

The above rates must be all inclusive, and be in line with SBDM Cost Containment Policy, paragraph 7.6.

Travel and accommodation claims must be accompanied by proof of actual expenditure. The lowest of the above rates and actual may be claimed.

**Failure by bidders to be registered by the following or failure to submit proof thereof will result in the bid being non-responsive.**

1. In terms of SAICA, provide the following information:

Is the bidder company registered with SAICA?

\_\_\_\_\_

Please state your SAICA practice number.

\_\_\_\_\_

2. Is the bidder company registered with IRBA?

\_\_\_\_\_

Please state your IRBA practice number.

\_\_\_\_\_

**Provide proof of all the above. The above must be in the name of the bidder.**

**THE FOLLOWING INFORMATION MUST BE COMPLETED TO FACILITATE THE EVALUATION OF FUNCTIONALITY.**

1. **Provide details of all clients where Internal Audit Services have been provided in local government in South Africa.**

Client's Name	Contact Name	Contact Number	Contract Period (Start and Ending dates)

Should additional space be required please complete and attach with proper page referencing.

**Reference letters, must include opinion on quality of service, from all of the clients listed in paragraph 1 above must be provided.**

**2. Experience and qualifications of project team assigned to the project.**

Number of members in project team: .....

POSITION	QTY	NAME/S	NO OF YEARS' EXPERIENCE	HIGHEST QUALIFICATIONS
DIRECTOR				
AUDIT MANAGER				
AUDIT CLERK				
SPECIALIST				

**CV's and certified copies of highest qualification must be submitted.**

Should additional space be required please complete and attach with proper page referencing. **The above designations must be used.**

\*(ALL APPLICABLE TAXES INCLUDED)



**DECLARATION OF INTEREST**

1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
- 3 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

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

3.2 Identity Number: .....

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

3.4 Company Registration Number:.....

3.5 Tax Reference Number: .....

3.6 VAT Registration Number: .....

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state? **YES / NO**

3.8.1 If yes, furnish particulars. ....

.....

<sup>1</sup>MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
  - (i) any municipal council;
  - (ii) any provincial legislature; or
  - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of 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);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

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

3.9 Have you been in the service of the state for the past twelve months? .....YES / NO

3.9.1 If yes, furnish particulars .....

.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? ..... YES / NO

3.10.1 If yes, furnish particulars.

.....

.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? YES / NO

3.11.1 If yes, furnish particulars

.....

.....

1

3.12 Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? YES / NO

3.12.1 If yes, furnish particulars.

.....

.....

3.13 Are any spouse, child or parent of the company's directors trustees, managers, principle shareholders or stakeholders in service of the state? YES / NO

3.13.1 If yes, furnish particulars.

.....

.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. YES / NO

3.14.1 If yes, furnish particulars:

.....

.....

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

Full Name	Identity Number	State Employee Number

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

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

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for specific goals.

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF SPECIFIC GOAL, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022.**

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**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 80/20 preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) HDI

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

	<b>POINTS</b>
<b>PRICE</b>	80
HDI	20
<b>Total points for Price and Specific goal must not exceed</b>	<b>100</b>

1.5 Failure on the part of a bidder to submit supporting evidence for a specific goal, will be interpreted to mean that preference points for specific goal are not claimed.



SPECIFIC GOAL/S	Requirement	Number of points (80/20 system)
HDI	Criteria	20
Race	100 % Previously Disadvantaged	08
	51% - 99% Previously Disadvantaged	05
	25% - 50% Previously Disadvantaged	03
	Less than 25%	01
Women	100% Owned	05
	51% - 99% Owned	03
	25% - 50% Owned	02
	Less than 25%	01
Disability	51% - 100% Owned	03
	25% - 50% Owned	02
	Less than 25%	01
Locality	Sarah Baartman District	04
	Eastern Cape	02
	South Africa	01

**5. BID DECLARATION**

5.1 Bidders who claim points in respect OF THE SPECIFIC GOAL must submit the following supporting documents/alternative.

- a) Those bidders who qualify to claim points as an HDI based on Race must submit, a certified copy of an Identity Document (certification must not be older than 3 months), company registration document that shows composition of ownership/Share certificate and a CSD report.
- b) Those bidders who qualify to claim points as an HDI based on Gender must submit, a certified copy of an Identity Document (certification must not be older than 3 months) and a CSD report.
- c) Those bidders who qualify to claim points as an HDI based on Disability must submit, a Medical Certificate from a registered Medical Doctor certifying such.
- d) Those bidders who qualify to claim points on Locality; must submit business proof of address.

**6. SUB-CONTRACTING**

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

*(Tick applicable box)*

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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6.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The specific goal supporting evidence of the sub-contractor  
.....

7. **DECLARATION WITH REGARD TO COMPANY/FIRM**

7.1 Name of company/firm:.....

7.2 VAT registration number:.....

7.3 Company registration number:.....

7.4 **TYPE OF COMPANY/ FIRM**

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

[TICK APPLICABLE BOX]

7.5 **DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

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

7.6 **COMPANY CLASSIFICATION**

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

[TICK APPLICABLE BOX]

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>
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<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p> <p>.....</p>
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**2 DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities 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 rejected if that bidder, or any of its directors have:
  - a. abused the municipality’s / municipal entity’s supply chain management system or committed any improper conduct in relation to such system;
  - b. been convicted for fraud or corruption during the past five years;
  - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
  - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 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).  <b>The Database of Restricted Suppliers now resides on the National Treasury’s website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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)? <b>The Register for Tender Defaulters can be accessed on the National Treasury’s website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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 of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No





**MBD 9  
CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
  - a. take all reasonable steps to prevent such abuse;
  - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
  - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD 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 (MBD 9) must be completed and submitted with the bid:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

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

**MBD 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 Municipality / Municipal Entity)

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

**MBD 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 consortium<sup>3</sup> will not be construed as collusive bidding.
- 7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
- 8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

<sup>3</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

**MBD 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