



STATE DIAMOND TRADER

Tel: +27 11 334 2691 Fax: +27 11 334 1540
Email: infosdt@statediamondtrader.gov.za
225 Main Street, Johannesburg 2001

STATE DIAMOND TRADER BID DOCUMENT

**INVITATION TO TENDER FOR MOVEMENT AND SECURITY SERVICES
FOR GOODS.**

BID NUMBER: SDT 84- 2018/19

**DESCRIPTION: SECURITY AND MOVEMENT SERVICES OF
HIGH VALUE**

BRIEFING SESSION: COMPULSORY- 25 SEPTEMBER 2018 @ 10:00

CLOSING DATE: 10 OCTOBER 2018

Board members

Mr M.J. Carstens (Chairperson), Mr. S.M Mnguni (Chief Executive Officer); Mr. K. J Menoe, Mr I. Goondiwalla, Ms B. Malinga (Alternate),
Dr. M. Matlou, Ms M. McMaster, Mr F Mokoena, Mr G du Plessis, Mr S. M. Motloun, Mr M W Mabapa, Major- General N.H. Mokoena,
Major-General P. J. Arendse (Alternate), Mr B. Deka, Mr. L. Mabece

Company Secretary: Ms. N.C. Sibeko



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CLOSING TIME 11H00

Board members

Mr M.J. Carstens (Chairperson), Mr. S.M Mnguni (Chief Executive Officer); Mr. K. J Menoe, Mr I. Goondiwalla, Ms B. Malinga (Alternate), Dr. M. Matlou, Ms M. McMaster, Mr F Mokoena, Mr G du Plessis, Mr S. M. Motloug, Mr M W Mabapa, Major- General N.H. Mokoena, Major-General P. J. Arendse (Alternate), Mr B. Deka, Mr. L. Mabece

Company Secretary: Ms. N.C. Sibeko

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON			CONTACT PERSON		
TELEPHONE NUMBER			TELEPHONE NUMBER		
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS			E-MAIL ADDRESS		
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					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
[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]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE A BRANCH IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.					

**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 IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3.	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 SPECIAL CONDITIONS OF CONTRACT.
1.4.	THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
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 VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA .
2.4	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6	WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7	NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g. company resolution)

DATE:

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/ a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:

2.3 Position occupied in the Company (director, trustee, shareholder²):

2.4 Company Registration Number:

2.5 TaxReferenceNumber:.....

2.6 VAT Registration Number:

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

¹“State” means –

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

(e) Parliament.

"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 attached 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 **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 Tax Reference Number	State Employee Number / Persal Number

DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH
23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE
FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

SBD 8: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Item	Item	Item
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 <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)? To access 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 <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 outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *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:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

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

(f) bidding with the intention not to win the bid.

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

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

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (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



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TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO TRANSPORT HIGH VALUE MINERALS WITHIN SOUTH AFRICA ON BEHALF OF THE STATE DIAMOND TRADER AS AND WHEN REQUIRED FOR A PERIOD OF THIRTY-SIX (36) MONTHS

1. INVITATION

The State Diamond Trader (SDT) intends to appoint a service provider with suitable skills and experience to transport high value minerals nationwide on behalf of SDT, as and when required over a period of thirty-six (36) months subject to annual review.

2. BACKGROUND

The vision of the State Diamond Trader is to be the catalyst for the transformation and growth of the local diamond beneficiation industry. Aligned with the vision, the entity has as one of its strategic objectives to ensure acquisition of and equitable access to rough diamonds, with a focus on historically disadvantaged South Africa. The entity was established in terms of section 14 of the Diamond Act, 1986, as amended with the aim of ensuring equitable access to and promoting local beneficiation of diamonds. One of the key strategic objectives of the State Diamond Trader provides equitable access to rough diamonds by local diamond beneficiaries and it is on this background the entity seeks to appoint a service provider to render the said services in an efficient and effective manner as and when required over a period of 36 months.

3. PROBLEM STATEMENT

The State Diamond Trader has no capacity to transport high value minerals acquired from the producers. To ensure that goods reach SDT secured and on time, SDT requires a dedicated service provider who will respond spontaneously to the demands and deadlines of the entity's

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Company Secretary: Ms. N.C. Sibeko

activities while maintaining high standards of efficiency and professionalism to maintain the relationship with the producers.

4. DURATION OF CONTRACT

The successful service provider will render the stipulated services on behalf of the State Diamond Trader for a period of three years from the date of the signing of the contract.

5. SCOPE OF SERVICE

The service provider should have:

- An understanding of the transportation of high value minerals / valuable goods nationwide.
- Extensive knowledge of the risk involved in transporting high value product and the requirements thereof.
- The service provider will be responsible in providing security & transportation of rough diamonds nationwide.
- Service provider must be in possession of a secure vault, SDT will inspect the vault before signing Service Level Agreement (SLA), the vault will store the goods when they were collected, and delivery is no longer possible in that day.
- Service provider must have secured armoured vehicle, SDT will inspect the security vehicles before signing Service Level Agreement (SLA), the vehicles will transport the goods to and from the producer premises
- Service Provider will be responsible for goods while in their possession.
- Service Provider must ensure that goods are insured while in transit or in their premises as the risk lies with service provider until goods are handed to SDT.

6. EVALUATION CRITERIA

6.1 EXPERIENCE IN TRANSPORTING HIGH VALUE GOODS ALL OVER SOUTH AFRICA.

- The service provider (company) must have a minimum of five years relevant experience.
- The service provider is required to provide proof that they have successfully facilitated or performed and executed projects within the required services.
- Letter of testimonial(s) or reference letter(s) proving that such projects were executed, or that they have been providing similar services. Testimonial/s or Reference Letter/s should include contact details for verification purposes, (should be two or more).
- Proof of existing Insurance for goods while in transit.
- Proof that facilities such as securities, firearms, Vehicles and the Vault exist.
- The Contractor shall comply with the Private Security Industry Regulatory Act No. 56 of 2001 and Regulation of 2002, that is PSIRA certificate for the company must be provided.

Failure to attach proof will lead to lesser points being awarded herein.

7. EVALUATION PROCESS

Bid for the appointment of the Service Provider will be evaluated on two phases as detailed below:

Preferential Points system will be applied in accordance with the Supply Chain Management Procurement policies, the Treasury Regulations, the Preferential Procurement Policy Framework Act 5 of 2001 with its regulations amendments.

Functionality Evaluation

Bids must meet the minimum eligibility criteria in respect of functionality of 80 points out of 100 points that will be awarded for functionality before they are considered further.

Any bid that does not meet the minimum eligibility threshold will be automatically disqualified.

The functionality criteria together with the maximum points to be awarded are set out below:

Phase 1 FUNCTIONALITY EVALUATION SCORING GRID

NO	EVALUATION CRITERIA	GUIDELINES FOR CRITERIA APPLICATION	WEIGHT	SCORE	FINAL SCORE
1.	Company Experience	Proof of insurance.	40		
		Proof of Company firearm licence.			
		Number of years in operation. Minimum of five-year experience in transporting valuable goods or any other high valued commodity that needs high security.			
		Proof that the service provider has successfully facilitated or performed and executed projects within the required services - Testimonial(s) or Reference letter(s) including contact details			
2.	Movement Methodology	Movement turnaround time within 10 KM radius locally (JHB).	30		
		Movement turnaround time within 40 KM			

		radius of JHB.			
		Movement turnaround time to and from Kimberly.			
3.	Transport	Armoured Vehicles	10		
		Secured Vault			
4.	Drivers	Proof of securities guard's firearm license competency.	20		
		Comprehensive CV's of the drivers indicating experience in similar projects and traceable references.			
Total			100		

8. COMPULSORY COMPLIANCE DOCUMENTS TO BE SUBMITTED

- Latest set of Audited Annual Financial Statement meeting the requirements of the provisions of the Companies Act, 2008 in respect of audits.
- Company registration documentation
- Black empowerment status and accreditation
- Shareholders certificate and/or close corporation certificates.
- CSD Registration Report to be submitted with all details verified including that of tax clearance and banking details.
- Organisation/s affiliated with in the industry.

9. FRONTING

- Government supports the spirit of broad based black economic empowerment and recognizes that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background the government condemn any form of fronting.
- The government, in ensuring that bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct or initiate the necessary enquiries/investigations to determine the accuracy of the representation made in bid documents.

10. MISREPRESENTATION DURING THE LIFECYCLE OF THE CONTRACT

- The bidder should note that the terms of its tender will be incorporated in the proposed contract by reference and that the SDT relies upon the bidder's proposal as a material representation in making an award to a successful bidder and in concluding an agreement with the bidder.
- It follows therefore that misrepresentations in a tender may give rise to service termination and a claim by the SDT against the bidder notwithstanding the conclusion of the service level agreement between the State Diamond Trader and the bidder for the provision of the service in question. In the event of a conflict between the bidder's proposal and the service level agreement concluded between the parties, the service level agreement will prevail.

11. CONFLICT OF INTEREST, CORRUPTION AND FRAUD

- The State Diamond Trader reserves its right to disqualify any bidder who either engages in any collusive tendering, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other bidder in respect of the subject matter of this bid;
- Seeks any assistance, other than assistance officially provided by a government entity, from any employee, advisor or other representative of a government entity to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a government entity;
- Makes or offers any gift, gratuity, anything of value or other inducement, whether lawful or unlawful, to any of the SDT's officers, executives, employees, advisors or other representatives;
- Makes or offers any gift, gratuity, anything of any value or other inducement, to any government entity's officers, directors, employees, advisors or other representatives to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a government entity;
- Accepts anything of value or an inducement that would or may provide financial gain, advantage or benefit in relation to procurement or services provided or to be provided to a government entity;
- Pays or agrees to pay to any person any fee, commission, percentage, brokerage fee, gift or any other consideration, that is contingent upon or results from, the award of any tender, contract, right or entitlement which is in any way related to procurement or the rendering of any services to a government entity;
- Has in the past engaged in any matter referred to above; or

- Has been found guilty in a court of law on charges of fraud and/or forgery, regardless of whether a prison term was imposed and despite such bidder, member or director's name not specifically appearing on the list of tender defaulters kept at national treasury.

12. SPECIAL CONDITIONS OF THE BID

- The State Diamond Trader reserves the right:
 - Not to award or cancel this tender at any time and shall not be bound to accept the lowest or any bid.
 - To negotiate with one or more preferred bidder(s) identified in the evaluation process, regarding any terms and conditions, including price without offering the same opportunity to any other bidder(s) who has not been awarded the status of the preferred bidder(s).
 - To accept part of a tender rather than the whole tender.
 - To carry out site inspections, product evaluations or explanatory meetings in order to verify the nature and quality of the services offered by the bidder(s), whether before or after adjudication of the bid.
 - To correct any mistakes at any stage of the tender that may have been in the bid documents or occurred at any stage of the tender process. To cancel and/or terminate the tender process at any stage, including after the closing date and/or after presentations have been made, and/or after tenders have been evaluated and/or after the preferred bidder(s) have been notified of their status as such.
 - Conduct financial statement analysis only on the recommended bidders after completion of the pricing and bee evaluation stage.
 - To award a tender based on which bidder is offering the best value for money, even if such tender is not the lowest priced tender.

13. NATIONAL TREASURY

- No tender shall be awarded to a bidder whose name (or any of its members, directors, partners or trustees) appear on the register of tender defaulters kept by national treasury,

or who have been placed on National Treasury's list of restricted suppliers. The SDT reserve the right to withdraw an award, or cancel a contract concluded with a bidder should it be established, at any time, that a bidder has been blacklisted by National Treasury and any another government institution.

14. BIDDING DOCUMENT.

- **BID DOCUMENTS MUST BE DEPOSITED IN A SEALED ENVELOPE, CLEARLY MARKED "BID NUMBER 84 / 2017/18 TRANSPORTATION OF HIGH VALUE MINERALS IN THE TENDER BOX AT THE STATE DIAMOND TRADER, 225 MAIN STREET, JOHANNESBURG.**
- The bidder(s) are required to submit two (2) copies of each file and one (1) original document, totalling to 3 proposals. Each file must be marked correctly and sealed for ease of reference during the evaluation process.
- Bidders are requested to initial each page of the tender document on the top right-hand corner.

15. CLOSING DATE FOR SUBMISSION

10 October 2018 at 11:00 AM

No late applications will be accepted, and no electronic bids applications will be accepted.

16. ENQUIRIES

For SCM Enquiries Contact: Ms Nontobeko Xulu

Email: Nontobekox@statediamondtrader.gov.za

Telephonically on 010 003 0310

For Technical Enquiries: Contact Mr Patrick Bokaba

Email: Patrickb@statediamondtrader.gov.za

Telephonically on 010 003 0311

Bid applications must be submitted to:

Supply Chain Management

State Diamond Trader
225 Main Street
Johannesburg
2001

**NB: SEALED PROPOSALS MUST CLEARLY INDICATE THE NAME OF THE BIDDER ON THE
OUTSIDE OF THE PACKAGE.**