

Republic of Botswana <b>Public Procurement Regulatory Authority</b>	<b>TENDER RETURNABLE DOCUMENT</b>	<b>DECLARATION FORM FOR TENDERING PURPOSES</b>
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Declaration to establish that Directors, shareholders, beneficial owners, partners, members have not participated through any other bid for the same tender.

**PART A**

I, \_\_\_\_\_ (full name), in my capacity as ..... (state position in Entity)

hereby declare that on my behalf, and on behalf of the owners, partners / directors/ shareholders /administrators and/or Other (Please specify) .....

of:  
 .....  
 (name of Entity )

of:  
 .....  
 ..... (Postal/physical address)

that, in connection with the enclosed tender,

All information contained herein is true and not misleading, and it is to the best of my knowledge factual and binding on the Entity and/or its Representatives. I state that the (State Name of Entity) ..... and/or its representatives confirm that they have not, through other entities, participated in the same tender and offer the same products in response to the same items.

NOTE THAT: In the case of competing franchises, the franchises may bid for the same item but with different products. Item means the commodity required by the procuring entity indicated in the ITT. Product means the commodity offered by the bidder.

I declare and confirm that the Entity and/or its Representatives have in fact not participated in the same tender and offered the same products in response to the same items, through any other registered company or other entity. I hereby provide a current list of Directors/ Administrators/ Partners/ Beneficial Owners/ Members and/or Shareholders for the Company/Partnership/ Society/Joint Venture/ Private Foundation/Statutory Body and/or other (Please specify) .....

	<b>DIRECTORS/MEMBERS/Beneficial Owners and/or Other (Please Specify).....</b>	<b>CAPACITY IN ENTITY</b>	<b>NATIONALITY</b>	<b>PERCENTAGE OF SHAREHOLDING</b>
1				
2				
3				
4				
5				
6				
7				

	<b>SHAREHOLDERS NAME</b>	<b>NATIONALITY</b>	<b>PERCENTAGE OF SHAREHOLDING</b>
1			
2			
3			
4			
5			
6			
7			

	<b>BENEFICIAL OWNER NAME</b>	<b>NATIONALITY</b>	<b>PERCENTAGE OF SHAREHOLDING</b>
1			
2			
3			
4			
5			
6			
7			

**If more space is required attach additional sheet. Note that Public companies should state which stock exchange the company is listed under.**

I further acknowledge that should any of the directors, partners, and shareholders, members/administrators /beneficial owners (others please specify) be found to be associated in a similar or other manner in another company/entity, participating in this tender and offering the same products in response to the same items, this shall disqualify this Company/Partnership/ Society/Joint Venture/ Private Foundation/Statutory Body,

and whichever company or other entity the said director/partner/ beneficial owners shareholder/member and/or administrator is consequently involved in.

I further acknowledge that should the Company /Partnership/ Society/Joint Venture/ Private Foundation/ Statutory Body or any of its affiliates or subsidiaries be found to have participated in the same tender and offered the same products in response to the same items, the said Company/Partnership/ Society/Joint Venture/ Private Foundation/Statutory Body/(others please specify) and its affiliates and/or subsidiaries shall be disqualified.

The Company/Partnership/ Society/Joint Venture/ Private Foundation/ Statutory Body/(others please specify), through its agents, employees or directors has not illegally communicated with any member of the procuring entity or its agents except as may be permitted in the relevant "instructions to tenderers" or by law.

The Company/Partnership/ Society/Joint Venture/ Private Foundation/Statutory Body/(others please specify), through its agents, employees, partners, beneficial owners/ members, administrators and/or directors has not paid or offered to pay any consideration, favour or promise to any member of the procuring entity or its agent.

I declare that this tender is submitted by us in our own right and we have not colluded in any way with any other /potential tenderer in the production and submission of this tender other than in the establishment of a joint venture or sub-contractor arrangement as fully and correctly declared in the tender.

I acknowledge that if after the award of this tender any of these declarations are found to be false then any contract(s) between ourselves and the procuring entity shall be terminated forthwith and we may be barred from future tendering for government services and liable to possible prosecution.

I confirm that our entity has undertaken not to collude to withdraw from a tender award, only for the reason that an unsuccessful bidder be awarded the tender. I confirm further that the entity has undertaken not to engage in frivolous complaints and litigation that frustrates project implementation.

SIGNED: ..... NAME: .....

DATED:.....

.....  
Entity

Stamp

## PART B

1. Declaration to establish Eligibility for Reservation and Price Preferences for Citizen Contractor / and other Entities.
2. The declaration shall be signed by all Businesses tendering for reserved contracts and contracts subject to preferences, as a condition of each tender.

### Definition

4. The following definitions shall apply to this declaration:

**Citizen Contractor:** a natural person or an incorporated company wholly owned and controlled by persons who are citizens of Botswana.

**Control:** the possession and exercise of legal authority and power to manage the assets, goodwill and daily operations of a business and the active and continuous exercise of managerial and financial authority and power in determining the policies and directing the operations of the business.

**Beneficial Owner:** means a natural person, who directly or indirectly through any contract, arrangement, understanding, relationship or otherwise —

- (a) in relation to an incorporated body, ultimately owns or has a controlling ownership or exercises ultimate effective control through positions held in the incorporated body or is the ultimate beneficiary of a share or other securities in the body corporate;
- (b) in relation to a trust or other legal arrangement, is the settlor, trustee or ultimate beneficiary of the trust or legal arrangement or has the power, alone or jointly with another person or with the consent of another person, to —
  - (i) dispose of, advance, lend, invest, pay or apply trust property or property of the legal arrangement,
  - (ii) vary or terminate the trust or legal arrangement,
  - (iii) add or remove a person as a beneficiary or to or from a class of beneficiaries,
  - (iv) appoint or remove a trustee or give another person control over the trust or legal arrangement, or
  - (v) direct, withhold consent or to overrule the exercise of a power referred to in subparagraphs (i) – (iv)
- (c) is the ultimate beneficiary of proceeds of a life insurance policy or other related investment services when an insured event covered by the policy occurs; or
- (d) a transaction is conducted on his or her behalf.

**Net Amount:** the financial value of the Contract at the time of the award of the Contract, exclusive of sales tax which the law requires the Employer to pay to the Contractor.

**Owned:** Having all the customary incidents of ownership, including the right of disposition, and sharing in all the risks and profits commensurate with the degree of ownership interest or shareholding as demonstrated by an examination of the substance as well as the form of ownership arrangements

5. The company operates banking and savings accounts, the only authorised signatories are:

i. ....  
.....  
(Bank Name and Name of signatory) (Omang No.  
/Passport)

ii. ....  
.....  
(Bank Name and Name of signatory) (Omang No.  
/Passport)

ii. ....  
.....  
(Bank Name and Name of signatory) (Omang No.  
/Passport)

iv. ....  
.....  
(Bank Name and Name of signatory) (Omang No.  
/Passport)

## 6. Undertakings

The Tenderer confirms that it is a Citizen contractor and undertakes to remain a Citizen Contractor for the duration of the Contract.

## 7. Sanctions relating to reserved treatment

Any changes in Ownership or Control which violate the definition of a Citizen Contractor shall be sufficient reason for the Procuring entity to terminate the Contract.

8. All the Beneficial Owners, partners/Directors/shareholders and Administrators of .....(Name of company) have read this declaration and agree to its contents.

- a) All the Beneficial owners, partners/Directors/shareholders and Administrators hereby give consent and verification of the information provided above and understand that this may include but is not limited to the verification of assets, liabilities, accounts, bonds and undertake to notify the competent authorities of any change to the information provided in this Declaration within seven (7) days of such occurrence.
- b) I understand and declare that each matter here deposed to is essential for the tender validity of ..... (Name of company)'s

**NB:** The Procuring Entity reserves the right to confirm the authenticity of the information provided above.

THUS SIGNED AND SWORN TO BEFORE ME COMMISSIONER OF OATHS AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_, AT \_\_\_\_AM / PM, THE DEONENT HAVING ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS DECLARATION AND THAT IT IS BINDING ON HIS CONSCIENCE.

\_\_\_\_\_  
COMMISSIONER OF OATHS

CAPACITY: