



**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	SCMU3-26/27-0115-HO	CLOSING DATE:	19 MAY 2026	CLOSING TIME:	11:00
DESCRIPTION	TERMS OF REFERENCE FOR THE APPOINTMENT OF LEGAL PRACTITIONER/SPECIALIST FOR THE PROVISION OF PROFESSIONAL LEGAL, LAW REVIEW, ADVISORY AND REPEAL AND/OR AMEND ACCORDINGLY FOR THE EASTERN CAPE DEPARTMENT OF HEALTH OBSOLETE LEGISLATION FOR A PERIOD OF TWELVE (12) MONTHS.				
BRIEFING	https://teams.microsoft.com/meet/346987119137779?p=IAleFWaEdAdDiVxJeP				
BRIEFING DATE & TIME	13 MAY 2026 @ 11:00				
BID RESPONSE/RFQ DOCUMENTS MUST BE SUBMITTED ON E-TENDERS					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Noluthando Mjuluki		CONTACT PERSON		
TELEPHONE NUMBER	0832797323		TELEPHONE NUMBER		
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	Noluthando.mjuluki@ehealth.gov.za		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
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES 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 SUBMITTED BY THE STIPULATED TIME ONLINE,. 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, 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:

APPROVED BID DOCUMENT WITH SPECIFICATION

SCMU3-26/27-0115-HO: TERMS OF REFERENCE FOR THE APPOINTMENT OF LEGAL PRACTITIONER/SPECIALIST FOR THE PROVISION OF PROFESSIONAL LEGAL, LAW REVIEW, ADVISORY AND REPEAL AND/OR AMEND ACCORDINGLY FOR THE EASTERN CAPE DEPARTMENT OF HEALTH OBSOLETE LEGISLATION FOR A PERIOD OF TWELVE (12) MONTHS.

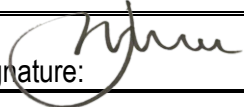
Revision			
Drafted by	Date:07/05/2026	Name: Ms N Mjuluki	Signature:
Approved by: Dep Chairperson Specification Committee	Date:07/05/2026	Name: Ms T Notshe	Signature: 

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BID CONDITIONS

- 1.1 Without limitation to any other rights of the Eastern Cape Department of Health (ECDoH) (whether otherwise reserved in this invitation to bid or under law), the ECDoH expressly reserves the right to:-
- 1.2 Request clarification on any aspect of a response to this invitation to bid received from the bidder, such requests and the responses to be in writing;
- 1.3 Amend the bidding process, including the timetables, closing date and any other date at its sole discretion;
- 1.4 Reject all responses submitted by bidders and to embark on a new bid process.

5. Special Conditions of Contract

- ✓ Successful Bidder will be appointed to provide legal review services to the Department for a period of twelve (12) Months and must enter into a Service Level Agreement (SLA) with the Department.
- ✓ Performance and quality of the work will be a measure of retention in the assignment.
- ✓ The Department reserves the right to cancel the agreement if that Legal Practitioner does not meet the performance standards as per the Service Level Agreement.
- ✓ The Department may, upon a breach of the Legal Practice Council Code of Conduct or any applicable professional rules, take corrective action up to and including removal from the Practitioner, after giving written notice and affording the Legal Practitioner a reasonable opportunity to make representations.
- ✓ Legal Practitioner(s) awarded the bid to do any work may not cede, assign or sub-contract any, part thereof to any person unless with the written consent of the Department or as may be required by applicable laws, for instance, in cases where correspondent Legal Practitioners may be necessary.
- ✓ Fronting is prohibited. Any bidder found to have fronted shall automatically be disqualified. For contracts already awarded, the contract shall be terminated, and any costs borne shall be for the account of the defaulting Bidder. These costs shall include the costs of appointing another Bidder.
- ✓ Fees shall be charged in accordance with the Department's Service Level Agreement, Tariff of Fees and Milestones. Fees for services rendered shall remain fixed for the duration of the 12 months.

- ✓ All instruction(s) to the Legal Practitioner(s) appointed shall be issued in writing by the Director: Legal Services or the duly authorised official.
- ✓ Charging of collapsed fee shall only be permitted with approval of the Director: Legal Services or the duly authorised official.
- ✓ All payment claims are to be certified by the officials responsible and be approved by the HOD before payment can be effected.
- ✓ Before the expiry of the said twelve (12) months period by written notice and recall all the files in the possession of the said Legal Practitioner.
- ✓ Bidders are to note that the Department will monitor and evaluate the services rendered through its responsible officials.
- ✓ Legal Practitioners must disclose to the Department any conflict of interest that may have an impact on them providing any of the legal services referred to above, irrespective of when it may arise.
- ✓ The Legal Practitioners shall at all times maintain an operational IT & telephone capability as required by the Department and shall inform the Department within 24 hours of any breakdown or other issue that may impact communication between the firm and the Department.

2. EVALUATION CRITERIA

The bid will be evaluated in terms of Regulation 4(1) of the Preferential Procurement Regulation 80/20 Preference Point system will be applied where the lowest bidder will be allocated 80 Points for price. A maximum of 20 points will be awarded for specific goals.

The following formula will be used to calculate points out of 80 for price.

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

Where

P_s = points scored for comparative price of bid or offer under consideration.

P_t = Comparative price of bid or offer under consideration.

P_{\min} = comparative price of lowest acceptable bid or offer.

The following table must be used to calculate the score out of 20 points for Specific Goals

Specific goals Category	Weighting (of 20 POINTS)	Number of points (80/20 system)
Equity Ownership by: Historically Disadvantage Individuals: Ownership (South African citizen -who, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act 110 of 1983) or the Constitution of the Republic of South Africa , 1993, (Act 200 of 1993). On the basis of:		
• Race	20%	4

• Gender (Women)	20%	4
• Disability	20%	4
Youth	20%	4
Military Veterans	20%	2
Locally based entity	10%	2
TOTAL	10%	20

- a) A tenderer must complete SBD6.1 to claim points for specific goals as per Table provided and submit proof of its Specific Goals.
- b) A tenderer failing to claim the specific goals on SBD6.1 claim Form and submit proof of specific Goals may not be disqualified, but may only score points out of 80 price, and scores 0 points out of 20 for Specific Goals.
- c) **The Specific Goals supporting documents required to verify claimed points may in line with the specific requirements include:**
 - CSD report reflecting ownership status verified directly from CIPC or CIPC Certificate showing ownership / control interest of company members
 - ID copies of owners or shareholders.
 - Medical Certificate / Doctor's medical report (Impairment should be substantially limiting long term or of recurring nature)
 - **Proof of documentation reflects the physical address of the business, that is e.g. utility account or proof of physical address by municipal councilor or lease agreement with 2months's proof of rental payments.**
 - Letter from Department of Military Veterans confirming status.

The points scored for the specific goal shall be added to the points scored for price and the total shall be rounded off to the nearest two decimal places.

Evaluation will be conducted into the following stages:

1st Stage: Administrative Compliance

1. All documentation inclusive of supporting documentation requested in terms of the Bid Document requirements must be submitted and signed off where required
2. Bidders **must** complete and sign SBD1 (Invitation to Bid), SBD3.1 (Pricing Schedule), SBD4 (Declaration of Interest), and SBD6.1 (Preference Points Claim Form in terms of Preferential Procurement Regulations, 2022).
3. Bidders must be registered with the National Treasury Supplier Database (CSD) and submit proof.

2nd Stage: MANDATORY REQUIREMENTS FOR INTERESTED BIDDERS (NON-NEGOTIABLE)

1. Required Qualifications and Experience

The Legal Specialist must possess:

1.1 Education – To submit proof of qualification

- Bachelor's degree in law (LLB or equivalent).

2. Experience – To submit CV with contactable references

- Minimum ten **[10] years** of experience **post qualification** in legal work projects & Experience working with government bodies, development partners, or regulatory authorities will be added advantage.
- Familiarity with the legal and institutional framework of **Laws of the Country/Legislative Review**.

FAILURE TO COMPLY WITH THE ABOVE MANDATORY REQUIREMENTS WILL INVALIDATE YOUR BID

3rd Stage – Functionality

CRITERIA		Points	Max
Methodology that aligns with the Terms of reference - The proposed methodology will be evaluated on clarity, depth of legal analysis, relevance to the assignment, practicality of approach, and ability to withstand judicial or parliamentary scrutiny.	Project plan	Excellent - 20	20
		Good - 15	
		Average - 10	
TOTAL			20

A bidder that scores less than 15 out of 20 points in respect of functionality will be regarded as non responsive bid and will be disqualified .

4th Stage: Price and Specific Goals

80/20 preference point system will apply. The bid will be awarded to the highest point scoring bidder in accordance with the award criteria.

The following formula will be used to calculate points out of 80 for price.

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

Where

P_s = points scored for comparative price of bid or offer under consideration.

P_t = Comparative price of bid or offer under consideration.

P_{min} = comparative price of lowest acceptable bid or offer.

PART 3 : BID STRATEGY

The mission of the Eastern Cape Department of Health (ECDoH) is to provide and ensure accessible, comprehensive, integrated services in the Eastern Cape, emphasizing the primary health care approach, optimally utilizing all resources to enable all its present and future generations to enjoy health and quality of life.

To achieve the mission above, from time to time: the process to embark on the process of alignment, identification of the provincial legislation that may require amendment/repeal; making the necessary proposal(s) intended to address the shortcomings associated with need for amendment/repeal.

With this background the ECDoH has identified a number of provincial legislations as requiring attention in respect of their impact not only to the department, but they also affecting the people of the Eastern Cape.

To address this challenge, the department intends to procure the services of Specialists on Legislative review process, review the current legislation, advise on those pieces of legislation requiring repeal and/or amendment and proceed accordingly.

This approach aligns with Section 217 of the Constitution and Section 38 of the Public Finance Management Act (no. 1 of 1999), which require that the department contracts services in a manner that is fair, equitable, transparent, competitive, and cost-effective.

PART 4. SPECIFICATION/TERMS OF REFERENCE:

TERMS OF REFERENCE FOR THE APPOINTMENT OF LEGAL PRACTITIONER/SPECIALIST FOR THE PROVISION OF PROFESSIONAL LEGAL, LAW REVIEW, ADVISORY AND REPEAL AND/OR AMEND ACCORDINGLY FOR THE EASTERN CAPE DEPARTMENT OF HEALTH OBSOLETE LEGISLATION FOR A PERIOD OF TWELVE (12) MONTHS.

Legal Specialist for Law Review: Repeals or Amendments of the below list :

1. Education and Training of Nurses and Midwives Act No. 4 of 2003;
2. Eastern Cape Provincial Health Act No. 10 of 1999;
3. Application of Health Standards in Traditional Circumcision Act (Eastern Cape) 6 of 2001.

1. Purpose

The purpose of this request for Bids (RFB) is to solicit bids from potential bidder(s) for the appointment to a Legal Practitioner/Specialist to provide professional legal, law review, advisory and repeal and/or amend accordingly for the Eastern Cape Department of Health for a period of twelve (12) months, on an as-and when required basis.

2. Background

The ECDoH is mandated and committed to providing quality health, care services to all its people, ensuring a long and healthy life for all by providing and promoting comprehensive, accessible, and affordable quality health care services to improve the life expectancy of the people of Eastern Cape.

While discharging this mandate adherence to applicable laws become paramount, alignment of all provincial health legislation with DoH legislation with that of the country is non-negotiable.

The department seeks to engage a qualified Legal Specialist to conduct a thorough review of existing laws, regulations, and related legal instruments to determine the need for repeal, amendment, consolidation, or modernization. The review aims to ensure that the legal framework remains relevant, coherent, and aligned with current policy objectives, international best practices, and constitutional or statutory requirements.

Legal Practitioners/Specialists are invited to submit bids exclusively for services in legislation review.

4. Legislative and Regulatory Framework

This bid and all contracts emanating therefrom will be subjected to General Conditions of Contract (GCC) issued in accordance with Treasury Regulation 16A published in terms of the Public Finance Management Act, 1999 (Act 1 of 1999) (PFMA) with its associated Regulations.

The Special Conditions of Contract (SCC) supplement the GCC. However, when the SCC is in conflict with the GCC, the provisions of the SCC will prevail.

This bid is subject to, but not limited to the following:

- ✓ Constitution of the Republic of South Africa (Act 108 of 1996),
- ✓ Preferential Procurement Policy Framework Act, 2011 (Act No. 5 of 2000) and its associated Regulations,

- ✓ Legal Practice Act, 2014 (Act No. 28 of 2014),
- ✓ State Liability Amendment Act, 2011 (Act No. 14 of 2011),
- ✓ Code of Conduct for Legal Practitioners, Candidate Legal Practitioners and Juristic Entities that are published in terms of Section 97 (1) (b) of the Legal Practice Act 14 of 2011.

5. Definitions

The following words bear the meaning set out below and cognate expression bear a like meaning:

- ✓ Day / s shall mean working day day / s, unless specifically stated to the contrary,
- ✓ Department refers to the Eastern Cape Department of Health,
- ✓ HOD refers to the Head of Department of the Eastern Cape Department of Health,
- ✓ Legal Practitioner means the Legal Practitioner at the Firm or Legal Practice primary responsible for the provision of services to the department and shall be a person who has been admitted to appear in the High Court of South Africa for at least ten (10) years prior to closing date of this bid,
- ✓ Official Responsible refers to the Director: Legal Services or duly authorized Legal Officer,
- ✓ Legislative Practitioner/Specialist means the firm of legal Practitioner(s) appointed to provide the legislative review services to the department,
- ✓ Service Level Agreement means the Service Level Agreement to be signed by the successful bidder and the department, together with all annexures hereto, as well as any directives issued by the department from time to time.

6. Intellectual property rights:

- ✓ All copyright and intellectual property rights that may result as consequences of the work to be performed shall become the property of the Department.
- ✓ The Legal Practitioner/specialist must hand over all documents and information in any format, including copies thereof, that it received from the Department or that it had access to during the assignment immediately after completion of the cases to the Department.
- ✓ The Legal Practitioner/specialist shall deliver to the Department, on completion of the assignment, any security devices, passwords or protective mechanisms to the soft versions of documents that were written and the Department will have the right to amend and change these without obligation whatsoever to the Legal Practitioners upon completion of the assignment.

7. Objective of the Assignment

The main objective is to provide expert legal analysis and recommendations on the repeal, amendment, or revision of identified legislation. The Legal Specialist will support the reform process by ensuring that proposed changes are legally sound, technically robust, and practically implementable.

8. Scope of Work

The Legal Specialist will be expected to perform the following tasks:

8.1 Legal Review and Analysis

- Review existing laws, regulations, and legal instruments identified by the department.
- Identify provisions that are outdated, inconsistent, redundant, or in conflict with other laws.
- Conduct comparative analysis with related legislation, case law, and relevant international standards.
- Identify gaps or ambiguities that hinder effective implementation or enforcement.

8.2 Stakeholder Engagement

- Consult with relevant government agencies, legal practitioners, civil society organizations, and sector experts.
- Facilitate workshops, interviews, and validation meetings to gather inputs on required reforms.

8.3 Drafting Amendments or Repeals

- Prepare draft amendment bills, repeal bills, or revised regulations as required.
- Ensure drafting adheres to legislative drafting standards and format.
- Provide explanatory notes, analysis, or justification for each proposed change.

8.4 Reporting and Documentation

- Submit an inception report outlining methodology, work plan, and timelines.
- Produce a comprehensive legal review report highlighting issues, analysis, and recommendations.
- Provide final documentation, including draft legislation, matrices of changes, and consultation summaries.

9. Deliverables

The Legal Specialist shall submit the following deliverables:

1. **Inception Report** (within X weeks of contract start)
 - Work plan, methodology, and schedule.
2. **Legal Review Report**
 - Analysis of existing laws, identification of necessary amendments/repeals, gaps, conflicts, and recommendations.
3. **Draft Legal Instruments**
 - Draft amendment bills, repeal bills, or revised regulations.
 - Explanatory memorandum / justification notes.
4. **Stakeholder Consultation Report**
 - Summary of consultations and feedback received.
5. **Final Consolidated Report**
 - Final refined drafts and full legal analysis.

10. Duration of Assignment

The assignment is expected to last twelve **[12 months]**, beginning from the date of contract signing. Key deadlines for each deliverable will be agreed upon during the inception phase.

11. Skills

- Excellent analytical, drafting, and legal interpretation skills.
- Strong communication and stakeholder engagement abilities.
- Ability to deliver high-quality results within tight timelines

12. Reporting and Supervision

The Legal Specialist will report to the Director: Legal Services and work closely with the Standing Committee on Law Review and/or State Law Advisor (OTP-EC).

Regular progress meetings bi-weekly may be required.

13. Payment Terms

Payment will be made against approved deliverables, according to the following structure

They will need to add item **Stakeholder Consultation Report**

- **20%** — Upon submission and approval of the Inception Report
- **30%** — Upon submission of the Draft Legal Review Report
- **30%** — Upon submission of Draft Legal Instruments
- **20%** — Upon acceptance of the Final Report and all deliverables

14. Confidentiality

The consultant must maintain strict confidentiality of all information accessed during the assignment and may not use or disclose it without written authorization.

SBD 3.1

PRICING SCHEDULE –FIRM PRICES (PURCHASE)

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT OFFER TO BE VALID FOR 60 DAYS FROM THE CLOSING DATE OF BID.BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)

Name of Bidder.....	Bid number: SCMU3 SCMU3-26/27-0115-HO
Closing Time 11:00	Closing date: 19 May 2026

OFFER TO BE VALID FOR 60 DAYS FROM THE CLOSING DATE OF BID.

Bidder Description:			
DELIVERABLES	RATE PER HOUR	NO. OF HOURS	TOTAL INCLUSIVE OF ALL APPLICABLE TAXES
1. INCEPTION REPORT			
Education and Training of Nurses and Midwives Act No. 4 of 2003			
Eastern Cape Provincial Health Act No. 10 of 1999			
Application of Health Standards in Traditional Circumcision Act (Eastern Cape) 6 of 2001.			
2. DRAFT LEGAL REVIEW REPORT			
Education and Training of Nurses and Midwives Act No. 4 of 2003			
Eastern Cape Provincial Health Act No. 10 of 1999			
Application of Health Standards in Traditional Circumcision Act (Eastern Cape) 6 of 2001.			
3. DRAFT LEGAL INSTRUMENTS			
Education and Training of Nurses and Midwives Act No. 4 of 2003			
Eastern Cape Provincial Health Act No. 10 of 1999			
Application of Health Standards in Traditional Circumcision Act (Eastern Cape) 6 of 2001.			
3. FINAL CONSOLIDATED REPORT			
Education and Training of Nurses and Midwives Act No. 4 of 2003			
Eastern Cape Provincial Health Act No. 10 of 1999			
Application of Health Standards in Traditional Circumcision Act (Eastern Cape) 6 of 2001.			

TOTAL PRICE OFFERED, INCLUSIVE OF VALUE ADDED TAX, FOR TENDER NO. SCMU3- -HO

R _____

AMOUNT IN WORDS _____

Signed by authorized representative of the Tenderer:

- **Does the offer comply with the specification(s)?**
***YES/NO**

- **If not to specification, indicate deviation(s)**

-

-

- **Period required for delivery after Purchase Order** **30 DAYS After receipt of order**

- **Delivery:** ***Firm/not firm**

**** "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.**

***Delete if not applicable**

SBD 4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

I, _____ the _____ undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 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.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 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

² 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.

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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

SBD 6.1

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

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

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to invitations to tender:
- 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 To be completed by the organ of state

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the 80/20 preference point system.

- 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
(b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in

terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

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

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

80/20

$$Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

$$Ps = 80 \left(1 + \frac{Pt - Pmax}{Pmax} \right) \quad \text{or} \quad Ps = 90 \left(1 + \frac{Pt - Pmax}{Pmax} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

(a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
HDI – RACE		4		
HDI – WOMEN		4		
HDI - DISABILITY		4		
YOUTH		4		
MILITARY VETERANS		2		
EC BASED ENTITY		2		
		20		

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name _____ of company/firm.....

4.4. Company _____ registration _____ number: _____

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
 - One-person business/sole propriety
 - Close corporation
 - Public Company
 - Personal Liability Company
 - (Pty) Limited
 - Non-Profit Company
 - State Owned Company
- [TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals

as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

..... SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:
DATE:
ADDRESS:

