

**074/2023/CIA/HOTLINE/RFQ**

<b>DESCRIPTION:</b>	Appointment of a professional service provider to provide an Anti-Fraud and Ethics Toll free Hotline.
<b>DURATION OF CONTRACT:</b>	36 Months(3yrs)
<b>BID REFERENCE NUMBER:</b>	074/2023/CIA/HOTLINE/RFQ
<b>CLARIFICATIONS DEADLINE:</b>	23 <sup>rd</sup> February 2023 @ 15h00
<b>ISSUE DATE:</b>	20 <sup>th</sup> February 2023
<b>REQUIRED DATE:</b>	20 <sup>th</sup> March 2023
<b>CLOSING DATE:</b>	1 <sup>st</sup> March 2023 @ 11h00
<b>BID VALIDITY PERIOD:</b>	30 days
<b>ENQUIRIES:</b>	Name: Itu Mosalakgotla Email Address: <a href="mailto:tenders05@tcta.co.za">tenders05@tcta.co.za</a> and <a href="mailto:imosalakgotla@tcta.co.za">imosalakgotla@tcta.co.za</a>
<b>METHOD OF SUBMISSION:</b>	Electronic
<b>BID SUBMISSION EMAIL</b>	<a href="mailto:Tenders05@tcta.co.za">Tenders05@tcta.co.za</a> and <a href="mailto:imosalakgotla@tcta.co.za">imosalakgotla@tcta.co.za</a>

**BACKGROUND**

To promote an environment where Whistle-blowers are encouraged to report Protected Disclosures and other allegations/incidents, in line with the Protected Disclosure Act, the TCTA Whistle-blower Policy and Procedure.

The appointment of an independent service provider ensures that TCTA Management are and are seen to be promoting ethical conduct and the reporting of anonymous allegations.

**SCOPE OF WORK**

**DETAILED DESCRIPTION OF GOODS/SERVICES**

The scope of service is to:

Provide a platform or tool for the Anti-Fraud and Ethics Hotline with a Case Management System (CMS) that is able to provide independent access to the designated TCTA officials, using a password protected login access, to independently view relevant reports on the status of logged or reported cases, as and when required the TCTA designated officials should also be granted access to any other functionalities aligned to the service offering.

**ANTI-FRAUD & ETHICS HOTLINE:**

1. The Anti-Fraud and Ethics Hotline should include the following:
  - 1.1 Provide a unique toll-free Anti-Fraud and Ethics hotline service which will be active and managed for twenty-four (24) hours, seven (7) days a week and three-hundred and sixty-five (365) days a year whichever is applicable, to enable all relevant stakeholders to report illicit activities.

- 1.2 Provide callers with an option of anonymity and an option for “Fraud or corruption related” cases and “Ethics related” cases in English for 1.1 above.
- 1.3 All calls to the toll-free telephone number should be handled by a call operator, who will transcribe the information provided onto a report and allocate a unique reference number.
- 1.4 The call operator should distinguish between “Fraud related” and “Ethics related” allegations.
- 1.5 The information transcribed on to the report will distinguish between fraud and ethics allegations and be transmitted to the TCTA designated officials, who will be responsible for taking action on the information received from such reports.
- 1.6 Provide Promotional awareness material to be displayed around the building: Ten (10) A3 Size laminated colour Posters and ten (10) A4 Size laminated colour Posters. The content of the Posters should be renewed annually or as and when required. These costs should be included in the TCTA Pricing Schedule.
- 1.7 A web-based or automated annual Fraud and Ethics survey, customised to TCTA’s needs, sent to TCTA employees and service providers, at the initial stage and annually thereafter.
- 1.8 Provide training and awareness on Fraud Risk Management to all relevant stakeholders quarterly, based on among others: the TCTA survey outcome; areas requiring improvement for TCTA; and new developments and trends in Fraud Risk Management and Ethics Management. These costs should be included in the TCTA Pricing Schedule.
- 1.9 Compile an informative and educational Quarterly Electronic Newsletter, on Anti-Fraud and Corruption, and Ethics Management topics, to be posted on the TCTA website and e-mailed to all TCTA staff. These costs should be included in the TCTA Pricing Schedule.
- 1.10 Demonstrate experience and expertise of providing and managing an Anti-Fraud and Ethics Hotline, not a Call Centre Service, at either Private or Public Sector.

**Multiple reporting and communications media channels:**

- 1.11 Provide **two (2) separate secure e-mail addresses** which will safeguard the identity of the whistle-blower for fraud and ethics matters, for example: [TCTAFraud@?????.co.za](mailto:TCTAFraud@?????.co.za) **PLUS** [TCTAEthics@?????.co.za](mailto:TCTAEthics@?????.co.za).
- 1.12 Case Management System (CMS) that ensures that whistle-blower’s reports remain protected, in line with the Protected Disclosure Act (PDA) and Protection of Personal Information Act (PoPI) requirements, and the Bidder can grant access to the TCTA designated officials using a password protected log-in access. The user license cost of the CMS should not be based on the number of users per month, it should be a fee included in the monthly premium, to be included in the TCTA Pricing Schedule. Of the five (5) TCTA designated officials, only one (1) accesses the CMS, the other four (4) are set for segregation of duties and to manage potential conflict of interest, where applicable.
- 1.13 A Hyperlink to the TCTA branded Anti-Fraud and Ethics Hotline, from the TCTA Intranet and Internet site, for access by staff and external stakeholders.

- 1.14 The Browser compatibility must at a minimum, support Microsoft Edge and Google Chrome.
- 1.15 Generate separate monthly detailed and summary reports for the “Fraud related” and “Ethics related” matters. Reports should be user friendly, easily accessible and provide relevant information timeously.

**COMPANY EXPERIENCE REQUIRED**

Refer to Table 1: Functionality Criteria, below.

**PERSONNEL EXPERIENCE REQUIRED**

Refer to Table 1: Functionality Criteria, below.

**DELIVERABLES**

- 2. The Service provider shall meet the following requirements and provide services in this nature:
  - 2.1 Provide a platform for the Anti-Fraud and Ethics Hotline with a Case Management System (CMS) that is able to provide independent access to the designated TCTA officials, using a password protected login access, to independently view relevant reports on the status of logged or reported cases. The TCTA designated officials should also be granted access to any other functionalities aligned to the service offering, as and when required.
  - 2.2 **Contact Channels**
    - 2.2.1 Provide two (2) separate secure e-mail addresses which will safeguard the identity of the whistle-blower for fraud and ethics matters, i.e. TCTAFraud@???.co.za PLUS TCTAEthics@???.co.za.
    - 2.2.2 Case Management System (CMS) that ensures that whistle-blower’s reports remain protected, in line with the Protected Disclosure Act (PDA) and the Protection of Personal Information Act (PoPI) requirements, and the service provider can grant access to the TCTA designated officials using a password protected log in access.
    - 2.2.3 A link to the TCTA branded Anti-Fraud and Ethics Hotline, from the TCTA Intranet and Internet site, for access by staff and external stakeholders.
    - 2.2.4 The Browser compatibility must at a minimum, support Microsoft Edge and Google Chrome.
    - 2.2.5 Generate separate detailed monthly reports and summary reports, from CMS, for the “Fraud” and “Ethics” related matters. Reports should be user friendly and easily accessible to provide relevant information timeously.
    - 2.2.6 The TCTA Anti-Fraud and Ethics Hotline will be available for Whistleblowers and callers, and will attend to disclosures reported via the following channels:
      - i. Toll free telephone number;
      - ii. SMS;
      - iii. Freepost;
      - iv. Email address;
      - v. Online reporting on www.?????.co.za;
      - vi. Live chat.
  - 2.3 **The Anti-Fraud and Ethics Hotline will include the following:**
    - 2.3.1 Provide callers with an option of anonymity and an option for “Fraud or corruption related” cases and “Ethics related” cases in English as detailed in 1.1 above.
    - 2.3.2 All calls to the toll-free telephone number should be handled by a call operator, who will transcribe the information provided onto a report and allocate a unique reference number.
    - 2.3.3 The call operator should distinguish between “Fraud” and “Ethics” related allegations.
    - 2.3.4 The information transcribed on to the report should distinguish between fraud and ethics

allegations and be transmitted to the TCTA designated officials, who will be responsible for taking action on the information received from such reports.

- 2.3.5 Provide promotional awareness material to be displayed around the building: Ten (10) A3 Size laminated colour Posters and ten (10) A4 Size laminated colour Posters. The content of the Posters should be renewed annually or as and when required.
- 2.3.6 A web-based or automated annual Fraud and Ethics survey, customised to TCTA needs, sent to TCTA employees and service providers, one (1) month after commencement of the SLA and annually thereafter.
- 2.3.7 Provide training and awareness on Fraud Risk Management to all relevant stakeholders quarterly, based on among others, the TCTA survey outcome; areas requiring improvement for TCTA; and new developments and trends in Fraud Risk Management and Ethics Management. These costs should be included in the TCTA Pricing Schedule.
- 2.3.8 Compile an informative and educational Quarterly Electronic Newsletter, on Anti-Fraud and Corruption, and Ethics Management topics, to be posted on the TCTA website and e-mailed to all TCTA staff.
- 2.3.9 The service provider shall perform the duties it is required to render in terms of this Agreement with reasonable skill, care and diligence and in accordance with the standards of care normally expected from the service providers performing a service of a similar nature.
- 2.3.10 The service provider shall professionally and efficiently deliver services in line with timelines that will be continuously agreed during the life of this contract.

## 2.4 **Operating Hours**

- 2.4.1 The TCTA Anti-Fraud and Ethics Hotline will operate and be available twenty-four (24) hours a day, seven (7) days a week, three hundred and sixty-five (365) days a year.

## 2.5 **Incident reports**

- 2.5.1 The service provider shall ensure that TCTA shall receive incident reports within two (2) days of the reported incident.
- 2.5.2 An incident shall be deemed to be all information received through contact channels.
- 2.5.3 The CMS system generated reports shall present all incidents reported through the Hotline and be able to print to a PDF document.

## 2.6 **Languages**

- 2.6.1 The TCTA Anti-Fraud and Ethics Hotline will accommodate all eleven (11) official South African languages during South African office hours (08:00-17:00), on a Monday to Friday work week; and
- 2.6.2 The TCTA Anti-Fraud and Ethics Hotline will accommodate English after hours and on weekends.

## 2.7 **Technical requirements**

- 2.7.1 All information is stored on hardened servers with encrypted databases located within the boundaries of South Africa and is in compliance with the Protection of Personal Information Act, 4 of 2013 and the King IV Code.
- 2.7.2 The security on all voice loggings shall be guaranteed.
- 2.7.3 The Service Provider shall ensure the storage and recording of all calls, in line with the National Archives Act, and for at least three (3) years, or for the duration of the investigation or legal proceedings on matters reported via the Hotline.
- 2.7.4 The Service Provider shall ensure that the anonymity and identity of callers is protected at

all times.

- 2.7.5 No line identification or IP address information is captured or stored on the Anti-Fraud & Ethics Hotline Solution Software.
- 2.7.6 No recordings or transcripts of the recordings will be made available to TCTA or any other third party, unless ordered to do so by a court of law or a law enforcement agency.
- 2.7.7 The physical address of the TCTA Anti-Fraud and Ethics Hotline is undisclosed, and access is restricted by biometric access.
- 2.7.8 All computer hardware and software access is protected by multiple layers of access control and/or network authentication, and no unauthorised users to have direct access to the hardware and data storage.
- 2.7.9 The service provider has a thorough and robust Disaster Recovery and Continuity Plan in place, made effective through constant revision, testing, and improvements. This guarantees TCTA continuity of operations, in the event that the service provider has experienced an Emergency or Disaster.

**RETURNABLES**

MANDATORY	NON-MANDATORY
Proposed Core Team (Minimum of two (2) people: Detailed CVs should be attached.	
Price Schedule / Quotation, with a breakdown of costs aligned to the scope of services requirement included in this RFQ.	
Certified copy of BBBEE certificate or sworn affidavit for EMEs or QSE's	
SBD 4: Declaration of interest	
SBD 6.1 Preference points claim form in terms of the Transformation Procurement Regulations 2022	
Proposed Core Team personnel proof of qualifications, proof of corporate or individual membership of ACFE or Equivalent and/or Ethics Institute membership for at least 1 of the Core Team members.	

**FUNCTIONALITY CRITERIA**

**Table 1: Functionality Criteria**

#	Criterion	Weight (100%)	Technical Evaluation Score (Out of 100 Points)
1.	<p><b><u>Core Team Composition:</u></b></p> <p>The Core Team should be made up of a minimum of two (2) people: A Leader or Senior Manager/Manager <b>PLUS</b> the Key Accounts Manager. The two should collectively possess the following expertise: Fraud Risk Management, Forensics, Anti-Fraud Hotline Management for a minimum of three (3) years per person.</p> <p>Provide Detailed CVs of the following:</p>	40	<p><b>40</b> = Core Team collectively possesses expertise and experience on <b><u>3 out of 3</u></b> of the following: Fraud Risk Management, Forensics and Anti-Fraud Hotline Call Centre Management for a minimum of three (3) years per person.</p> <p><b>30</b> = Core Team collectively possesses expertise and experience on <b><u>2 out of 3</u></b> of the</p>

	<ul style="list-style-type: none"> <li>• Leader: Must have either Fraud Risk Management/Forensic Investigator/Ethics experience for a minimum of three (3) years; and/or</li> <li>• Senior Manager/Manager: Must have Fraud Risk Management/Forensic Investigator/Ethics experience for a minimum of three (3) years. <b>PLUS</b></li> <li>• Key Accounts Manager: Must have Anti-Fraud Hotline Call Centre Management experience for a minimum of three (3) years.</li> </ul>		<p>following: Fraud Risk Management, Forensics and Anti-Fraud Hotline Call Centre Management for a minimum of three (3) years, per person.</p> <p><b>20</b> = Core Team collectively possesses expertise and experience on <b><u>1 out of 3</u></b> of the following: Fraud Risk Management, Forensics and Anti-Fraud Hotline Call Centre Management for a minimum of three (3) years, per person.</p> <p><b>0</b> = Core Team collectively possesses expertise and experience on <b><u>0 out of 3</u></b> of the following: Fraud Risk Management, Forensics and Anti-Fraud Call Centre Hotline Management for a minimum of three (3) years, per person.</p> <p><b>The minimum score should be 20 out of 40 points, to proceed to the next phase.</b></p>
2	<p><b>PROFESSIONAL AFFILIATION / MEMBERSHIP:</b></p> <ul style="list-style-type: none"> <li>• Proof of Association for Fraud Examiners <b>(ACFE) or Equivalent</b> Corporate or individual membership.</li> <li>• Proof of Corporate or individual accreditation or membership with the <b>Ethics Institute.</b></li> </ul>	30	<p><b>30</b> = Corporate or individual accreditation or membership of two (2) of the two (2) Core Team members, with the Association for Fraud Examiners <b>(ACFE) or Equivalent. PLUS</b> Corporate or individual accreditation or membership of two (2) of the two (2) Core Team members, with the <b>Ethics Institute.</b></p> <p><b>20</b> = Corporate or individual accreditation or membership of two (2) of the two (2) Core Team members with the Association for Fraud Examiners <b>(ACFE) or Equivalent ONLY.</b></p> <p><b>10</b> = Corporate or individual accreditation or membership of one (1) of the two (2) Core Team members with the Association for Fraud Examiners <b>(ACFE) or Equivalent ONLY.</b></p> <p><b>0</b> = No Corporate or individual accreditation or membership of one (1) of the three (3) Core Team members, with the Ethics Institute.</p> <p><b>The minimum score should be 10 out of 30 points, to proceed to the next phase.</b></p>
3.	<p><b>COMPANY EXPERIENCE</b></p> <p>Demonstrate experience and expertise of providing and managing an Anti-Fraud Hotline, not a Call Centre Service, at either</p>	30	<p><b>30</b> = <b>Six (6)</b> referees</p> <p><b>25</b> = <b>Five (5)</b> referees</p> <p><b>20</b> = <b>Four (4)</b> referees</p> <p><b>15</b> = <b>Three (3)</b> referees</p>

Private or Public Sector.  Provide details of a minimum of four (4) contactable Referees where an Anti-Fraud Hotline has been provided and managed for a consecutive period of two (2) or more years in the Private or Public Sector.  <u>TCTA reserves the right to contact the References provided to ascertain the quality of service rendered by the bidder, prior to award of this bid.</u>  It is therefore important for each bidder to make sure that the contact details provided are valid.		<b>10 = <u>Two</u></b> (2) referees <b>5 = <u>One</u></b> (1) referee <b>0 = <u>No</u></b> referee details submitted or outdated contact details were provided.  <b>The minimum score is 20 out of 30 points, to proceed to the next phase.</b>
<b>Total</b>	<b>100</b>	
<b>Total minimum score, to proceed to the next phase (Price and preference).</b>	<b>50</b>	

**PROPOSED PRICING SCHEDULE**

**Table 2: TCTA Pricing Schedule**

#	SERVICE / ITEM	MONTHLY FEE(R) (EXCL VAT)	MONTHLY FEE(R) (INCL VAT)	ANNUAL FEE(R) (EXCL VAT)	ANNUAL FEE(R) (INCL VAT)
<b>ONCE OFF FEE(S)</b>					
1	Item 1				
2	Item 2 etc.				
	<b>Sub-Total</b>				
<b>SUBSCRIPTION COSTS / FEES</b>					
1	Year 1 Costs				
2	Year 2 Costs				
3	Year 3 Costs				
	<b>Sub-Total</b>				
<b>TRAINING AND AWARENESS</b>					
1	Promotional awareness material to be displayed around the building:				
2	Ten (10) A3 Size laminated colour Posters				
3	Ten (10) A4 Size laminated colour Posters				
4	Quarterly Electronic				

	Newsletter, on Fraud Risk Management (Anti-Fraud and Corruption, and Ethics Management topics), to be posted on the TCTA website and e-mailed to all TCTA staff.				
5	A web-based or similar <u>annual</u> Fraud and Ethics survey, sent to TCTA employees and service providers, at the initial stage and annually thereafter		N/A		
6	A Hyperlink to the TCTA branded Anti-Fraud and Ethics Hotline from the TCTA Intranet and Internet site.				
7	Other				
<b>Sub-Total</b>					
<b>CASE MANAGEMENT SYSTEM (CMS):</b>					
1	Set-up costs: CMS that ensures that whistle-blower's reports remain protected, in line with the Protection of Personal Information Act (PoPI) requirements and grants independent access to the TCTA designated official using a password protected login access.				
2	Year 1 Cost				
3	Year 2 Cost				
4	Year 3 Cost				
5	Other				
<b>Sub-Total</b>					
<b>OTHER</b>					
1	Item 1 etc.				
<b>Sub-Total</b>					
<b>GRAND TOTAL</b>					

## B-BBEE

The following table will be used to calculate the score out of 20 for BBEE:

1.1.1.B-BBEE Status Level of Contributor Number of Points for bids evaluated using 80/20.

B-BBEE Status Level of Contributor	Number of Points
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

1.1.2.A joint venture or consortium must submit a consolidated B-BBEE certificate in order to earn B-BBEE points.

1.1.3.All B-BBEE certificates must be obtained from verification agencies accredited by SANAS unless the bidder is an EME or QSE in which case they must submit a validly commissioned affidavit.

**bidder who fails to meet the specific goals will not be disqualified from the process and will score 0 for specific goals.**

## PRICE

*Attach pricing schedule.*

TCTA will evaluate all Bid Submissions in terms of the Preferential Procurement Policy Framework Act, No.5 of 2000 (PPPFA).

### 1.1. Price

- 1.1.1. If the price offered by the highest scoring bidder is not market related, TCTA reserves the right not to award to that bidder in terms of its Procurement policies.
- 1.1.2. Price must be reflected Excluding and Including VAT.
- 1.1.3. All prices must include disbursements.
- 1.1.4. Prices must be firm and unconditional. Bids with conditional prices will not be acceptable and will be treated as such unless otherwise stipulated in TCTA's standard conditions of bid.

## PREFERENTIAL POINTS

### Preferential Points Calculation

The weighting of the Preferential points calculation is as follows:

Price = 80  
 Specific Goals = 20

Bidder's Score

**TERMS AND CONDITIONS**

TCTA'S Standard Conditions of Bid shall apply to this bid. TCTA reserves the right to cancel or not to award this bid in accordance with its standard Conditions of Bid. Bidders can obtain TCTA's standard conditions of bid upon request or on TCTA's website.

**ANNEXURES**

<b>A</b>	SBD 1 – INVITATION TO BID
<b>D</b>	SBD 4 – BIDDERS DISCLOSURE
<b>E</b>	SBD 6.1 – IN TERMS OF PPR 2022

**ANNEXURE**

**SBD 1**

**PART A  
 INVITATION TO BID**

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)**

BID NUMBER: 074/2023/CIA/HOTLINE/RFQ CLOSING DATE: 01<sup>st</sup> March 2023 CLOSING TIME: 11h00

DESCRIPTION Appointment of a professional service provider to provide an Anti-Fraud and Ethics Toll free Hotline.

**BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)**

Electronic submission at [tenders05@tcta.co.za](mailto:tenders05@tcta.co.za) and [imosalakgotla@tcta.co.za](mailto:imosalakgotla@tcta.co.za)

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO		TECHNICAL ENQUIRIES MAY BE DIRECTED TO:	
CONTACT PERSON	Itu Mosalakgotla	CONTACT PERSON	Itu Mosalakgotla
TELEPHONE NUMBER	N/A	TELEPHONE NUMBER	N/A
FACSIMILE NUMBER	N/A	FACSIMILE NUMBER	N/A
E-MAIL ADDRESS	<a href="mailto:Tenders05@tcta.co.za">Tenders05@tcta.co.za</a>	E-MAIL ADDRESS	<a href="mailto:Tenders05@tcta.co.za">Tenders05@tcta.co.za</a>

**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]**

<p>1. ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</p>	<p><input type="checkbox"/>Yes <input type="checkbox"/>No [IF YES ENCLOSE PROOF]</p>	<p>2. ARE YOU A FOREIGN BASED SUPPLIER FOR THE <b>GOODS /SERVICES /WORKS OFFERED?</b></p>	<p><input type="checkbox"/>Yes <input type="checkbox"/>No [IF YES, ANSWER THE QUESTIONNAIRE BELOW ]</p>
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**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES  NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA?  YES  NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  YES  NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?  YES  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**

<b>1. BID SUBMISSION:</b>
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b></p> <p>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.</p> <p>1.4. <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b></p>
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>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.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>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.</p> <p>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."</p>

**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: .....

**BIDDER’S DISCLOSURE**

**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.

**1. Bidder’s declaration**

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> 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:  
 .....

<sup>1</sup> 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 consortium<sup>2</sup> 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 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

<sup>2</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.

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

**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**

- a) The applicable preference point system for this tender is the **80/20** preference point system.
- b) **80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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:

	<b>POINTS</b>
<b>PRICE</b>	80
<b>SPECIFIC GOALS</b>	20
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

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 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

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:

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

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 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 (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)

**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.

..... <b>SIGNATURE(S) OF TENDERER(S)</b>	
<b>SURNAME AND NAME:</b>	.....
<b>DATE:</b>	.....
<b>ADDRESS:</b>	..... ..... ..... .....