



SCM Division  
Radio Park, Henley Road  
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Johannesburg  
Private Bag X1  
Auckland Park 2006

### REQUEST FOR QUOTATION (RFQ)

RFQ	RFQ/IT/2024/10244480/44
RFQ ISSUE DATE	02 July 2024
RFQ DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE LICENSING, IMPLEMENTATION, MAINTENANCE AND SUPPORT OF AN ENDPOINT SECURITY FOR LEGACY OPERATING SYSTEMS SOLUTION FOR A PERIOD OF THREE YEARS.
NON-COMPULSORY BRIEFING SESSION DATE AND TIME	15 July 2024 @ 13 PM
VENUE / LINK FOR VIRTUAL BRIEFING SESSION	<a href="#">Join the meeting now</a>
CLOSING DATE & TIME	24 July 2024 @ 12 PM

Submissions must be electronically emailed to [RFQSubmissions@sabc.co.za](mailto:RFQSubmissions@sabc.co.za) on or before the closing date of this RFQ.

For queries, please contact **Lerato Masango** via email: [Tenderqueries@sabc.co.za](mailto:Tenderqueries@sabc.co.za)

The SABC requests your quotation on the services listed above. Please furnish us with all the information as requested and return your quotation on the date and time stipulated above. Late and incomplete submissions will invalidate the quote submitted.

SUPPLIER NAME: \_\_\_\_\_

POSTAL ADDRESS: \_\_\_\_\_

TELEPHONE \_\_\_\_\_

NO:

FAX NO: \_\_\_\_\_

E MAIL ADDRESS: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

CELL NO: \_\_\_\_\_

SIGNATURE OF BIDDER: \_\_\_\_\_

**NOTES ON QUOTATIONS AND PROPOSALS SUBMISSION**

1. All electronic submissions must be submitted in a **PDF** format that is protected from any modifications, deletions, or additions.
2. Financial/pricing information must be presented in a **separate** attachment from the Technical / Functional Response information.
3. The onus is on the Bidder to further ensure that all mandatory and required documents are included in the electronic submission.
4. All submissions should be prominently marked with the following details in the email subject line:
  - **RFQ Number and bidders' name.**
5. Bidders are advised to email electronic submissions at least thirty minutes before the bid closing time to cater for any possible delay in transmission or receipt of the bid. The onus is on bidder to ensure that the bid is submitted on time via email
6. Tender submission emails received after submission date and time will be considered late bid submissions and will not be accepted for consideration by SABC.
7. SABC will not be responsible for any failure or delay in the email transmission or receipt of the email including but not limited to:

- receipt of incomplete bid
- file size
- delay in transmission receipt of the bid
- failure of the Bidder to properly identify the bid
- illegibility of the bid; or
- Security of the bid data.

**NB: THE BIDDER SHOULD ENSURE THAT LINKS FOR WETRANSFER AND GOOGLE DROP BOX EXPIRE AFTER 30 DAYS OF THEIR SUBMISSIONS INSTEAD OF SEVEN DAYS**

## 1. FIRST PHASE – MANDATORY DOCUMENTS

1.1 Provide valid letter of authority from the Original Equipment Manufacturer (OEM) to distribute or resell proposed software solution within the boundaries of South Africa.

The Letter must not be older than one year from the closing date of bid, must be on the letterhead of the OEM and signed by an authorized official. No other letter will be accepted if it's not from the OEM.

1.2 Bidder to provide valid technical certifications obtained within the last 4 years (2020-2024), on the proposed software solution (minimum of two people certified). NB. NOT Attendance certificates.

1.3 Bidder to provide a full solution that must include Product Briefing, License Subscriptions, implementation, maintenance and support of "End Point Security for Legacy Operating Systems".

**Bidder not meeting any of the above mandatory requirements will be disqualified.**

## 2. REQUIRED DOCUMENTS

2.1 Submit proof of Central Supplier Database (CSD) registration

2.2 Proof of Valid TV License Statement for the Company; all active Directors and Shareholder must have valid TV Licenses. (Verification will also be done by the SABC internally).

2.3 Valid Tax Clearance Certificate or SARS "Pin" to validate supplier's tax matters.

2.4 Original or Certified copy of Valid BBBEE Certificate (from SANAS accredited Verification Agency).

2.5 All EME's and 51% black Owned QSE's are only required to obtain a sworn affidavit on an annual basis, confirming the following.

- Annual Total Revenue of R10 Million or less (EME) or Revenue between R10 Million and R50 Million for QSE Level of Black Ownership.

### **Note 1**

**Verification Agencies and Auditors who are accredited by the IRBA (Independent Regulatory Board for Auditors) are no longer the 'approved regulatory bodies' for B-BBEE verification and therefore IRBA auditors are not allowed to issue B-BBEE certificates after 30 September 2016.**

### **Note 2**

**Any misrepresentation in terms of the above constitutes a criminal offence as set out in the Based Black Economic Empowerment Amendment Act, 2013 (Act No. 46 of 2013).**

2.6 Certified copy of Company Registration Document that reflect Company Name, Registration number, date of registration and active Directors or Members.

2.7 Certified copy of Shareholders' certificates.

2.8 Certified copy of ID documents of the Directors or Members.

**NB: NO CONTRACT WILL BE AWARDED TO ANY BIDDERS WHOSE TAX MATTERS ARE NOT IN ORDER.**

**NO CONTRACT WILL BE AWARDED TO ANY BIDDERS WHOSE TV LICENCE STATEMENT ACCOUNT IS NOT VALID.**

**NO CONTRACT WILL BE AWARDED TO ANY BIDDER WHO IS NOT REGISTERED ON THE CSD**

### 3. BACKGROUND

IT environments typically have components with long lifespans around 10 to 20 years. These systems were implemented when technology was less advanced and have continued to function reliably. Replacing them can be costly and disruptive to operations, so they are often kept in place.

Legacy systems are often interconnected with other components and devices in an IT environment. Upgrading or replacing one component may require significant modifications to the entire system, affecting the compatibility and stability of the overall IT infrastructure.

Replacing an entire IT infrastructure with modern systems can be expensive. Many organizations prioritize investments in other areas of their operations and allocate limited resources to upgrade legacy systems only when necessary.

Legacy systems may no longer receive regular updates and patches from vendors, leaving them exposed to known vulnerabilities. Without timely security updates, these systems can be easily exploited by hackers, leading to potential disruptions, operational failures, and safety hazards.

Legacy systems often lack comprehensive monitoring and logging capabilities, making it challenging to detect and respond to security incidents promptly. This lack of visibility increases the likelihood of breaches going unnoticed, prolonging the duration of an attack, and amplifying its impact.

Older systems may have limited resilience and recovery mechanisms, making them more susceptible to disruptions caused by cyber incidents or physical failures. This can result in prolonged downtime, and loss of production.

It is important that SABC puts in secure compensating controls and/or interim security measures to mitigate the risks.

The SABC requires a simple and yet robust solution to secure and harden the physical and virtual workstations and servers, as well as secure and continuously monitor the security and compliance posture of SABC on-premises legacy(end-of-life) Operating Systems.

Therefore a “End Point Security for Legacy Operating Systems” solution is required to harden, secure and protect legacy Operating systems.

#### 4.0 REQUIREMENTS AND SCOPE OF SERVICES

License Subscriptions, implementation, maintenance, and support of “End Point Security for Legacy Operating Systems” solution for a period of three (3) years.

There’s an urgent need for SABC to procure a solution that protects legacy devices, systems security (Application control, integrity monitoring log inspection) and Malware prevention (Anti malware, Web reputation Behavioural analysis, machine learning). Hardens and monitors security and compliance posture of legacy OS servers, workstations and laptops.

The “End Point Security for Legacy Operating Systems” solution should have the following minimum capabilities:

- The security solution should have core features and capabilities to protect and secure Legacy unsupported Operating systems.
- The solution must support agentless and agent-based protection mechanisms.
- The solution must have support for various operating systems (e.g. Windows, Linux).
- Must provide comprehensive protection and support both physical servers, workstations/desktops/laptops and virtualized environments across a broad range of legacy OS platforms including Windows, Linux.
- Must have an Intrusion Detection & Prevention module that will provide security layered protection as an alternative to legacy system patches from Microsoft or Linux.
- Must have an effective Anti-Malware module, to protect legacy systems.
- Solution to have a Host-based Firewall in reducing the attack surface.
- The solution must be effective at the network layer (Deep Packet Inspection).
- Solution must be able to detail how it handles and protects unpatched legacy Operating Systems.
- The solution ensure compliance with industry standards and regulations.
- The solution must include a central management console that can highlight critical information.
- The solution must offer centralized policy management for all components.
- The solution must include out-of-the-box reports and also have comprehensive reporting functionality and reporting granularity.
- The solution must have the ability to generate and schedule reports.
- The solution must provide email alerts/notifications including Syslogs.

- The solution must be able to integrate with current enterprise monitoring tool (SIEM), Microsoft Active Directory, enterprise vulnerability monitoring solution & alerting systems at the SABC.
- Solution must be scalable to support growing or reduction of legacy Operating systems in the environment.
- Flexible and scalable redundant deployment options
- Simple installation and must provide centralized Management and Reporting for all managed legacy devices.
- Must allow Administrators to centrally manage new policies and configurations by device, group of devices or region.
- Real-time security updates to help protect against the latest advanced threats, malware, phishing, and scams.)
- Must be costed at a fixed price per system per year for all features (120 systems).

#### 4.1 Maintenance and Support Services

The preferential bidder or service provider to provide 24/7 support services to the SABC for 2<sup>nd</sup> and 3<sup>rd</sup> tier support service level.

#### 4.2 Reporting requirements

The Solution will need to produce reports, graphs, and display dashboard. The reports, graphs will need to show reporting based on daily, weekly, and monthly trends/findings:

The solution should have the following minimum reporting capabilities:

- Risk Index
- Top Malware Detections
- Top Infected Machines (Desktop and Server vulnerabilities)
- Most Active Intrusion Prevention Rule Events
- Top Computers Ranked by Number of Intrusion Prevention Events
- Most Common Source IPs for Intrusion Prevention Events
- Alerts of Intrusion Prevention rules triggered based on CVSS standards.
- Summary report including log Inspection rules.
- Identify possible ransomware file extension or renames activity over network.

**NB:** The solution should have the following minimum capabilities when displaying graphs of legacy systems:

- Alerts – Critical, Moderate, Warning
- Anti-Malware detection history
- Firewall event history
- Intrusion Prevention event history
- Integrity Monitoring event history
- System events

- Log inspection history
- Network Threat detection

Based on the “120 legacy systems” that are on the SABC network, the solution should also have detailed summarized reports that identify systems that have risks, or have been compromised and how to remediate those risks

## 5.0 RFQ Validity period

This bid will remain valid **90 (ninety) days** from the date of bid closing.

## 6.0 Costing

The indicative costing should reflect a detailed cost breakdown, and any direct or indirect costs associated with the rendering of licenses, installation, configuration, maintenance and support services.

## 7.0 Duration of the Contract

Three (3) years

## 8.0 Location

Auckland Park

## 9.0 TECHNICAL SPECIFICATIONS

**Bidders are requested to respond to the tender in the following format:**

- 9.1 A detailed point-by-point response is required, i.e., corresponding comments for each point or paragraph.
- 9.2 The response to technical requirements must state “Comply” or “Non-Comply.” The bidder must specify how the system makes provision for each aspect as stated below, including the page number of referenced materials to clarify the response.
- 9.3 **A “Partially Comply” statement, non-response, or response without detail will be considered as “non-Compliant”.**
- 9.4 Bidders to comply with all three sections to be evaluated further for functional evaluation.
  - **Section 1** - Bidders to COMPLY with all the requirements to be evaluated further. Non-Compliance with any of the technical specifications will result in automatic disqualification.
  - **Section 2** - Bidders to score at least 7 out of 9 points for reporting requirements to be evaluated further for section 3.

- **Section 3** - Bidders to score at least 6 out of 8 points for the Graph reporting to be evaluated further.

**9.5 DETAILED REQUIREMENTS**

REQUIREMENTS	COMPLY	NOT COMPLY	COMPLIANCE RESPONSE PAGE REFERENCE (AS REFERENCED TO EVIDENCE / BROCHURE) (THE QUOTATION IS NOT CONSIDERED TO BE A REFERENCE)
<b>Section 1</b> <b>The “End Point Security for Legacy Operating Systems” solution should have the following minimum capabilities:</b>			
1. The security solution must have core features and capabilities to protect and secure Legacy unsupported Operating systems.			
2. The solution must support agentless and agent-based protection mechanisms.			
3. The solution must have support for various legacy operating systems (e.g. Windows, Linux, Apple Mac OS).			
4. Must provide comprehensive protection and support both physical servers, workstations/desktops/laptops and virtualized environments across a broad range of legacy OS platforms including Windows, Linux.			
5. Must have an Intrusion Detection & Prevention module that will provide security layered protection as an alternative to legacy system patches from Microsoft or Linux.			
6. Must have an effective Anti-Malware module, to protect legacy systems.			
7. Solution to have a Host-based Firewall in reducing the attack surface.			
8. The solution must be effective at the network layer (Deep Packet Inspection).			
9. Solution must be able to detail how it handles and protects unpatched legacy Operating Systems.			
10. The solution must ensure compliance with industry standards and regulations.			

11. The solution must include a central management console that can highlight critical information.			
12. The solution must offer centralized policy management for all components.			
13. The solution must include out-of-the-box reports and also have comprehensive reporting functionality and reporting granularity. The solution must have the ability to generate and schedule reports.			
14. The solution must provide email alerts/notifications including Syslogs.			
15. The solution must be able to integrate with current enterprise monitoring tool (SIEM), Microsoft Active Directory, enterprise vulnerability monitoring solution & alerting systems at the SABC.			
16. Solution must be scalable to support growing or reduction of legacy Operating systems in the environment.			
17. Flexible and scalable redundant deployment options.			
18. Simple management software installation and must provide centralized Management and Reporting for all managed legacy devices.			
19. Must allow Administrators to centrally manage new policies and configurations by device, group of devices or region.			
20. Real-time security updates to help protect against the latest advanced threats, malware, phishing, and scams.			
21. Must be costed at a fixed price per system per year for all features (120 systems).			
<b>Bidders to COMPLY with all the above requirements to be evaluated further. Non-Compliance with any of the above technical specifications will result in automatic disqualification.</b>			
<b>Section 2</b> <b>Reporting requirements</b>	<b>Points</b>	<b>Comply/Not comply</b>	<b>COMPLIANCE RESPONSE PAGE REFERENCE (AS REFERENCED TO EVIDENCE / BROCHURE) (THE QUOTATION IS NOT CONSIDERED TO BE A REFERENCE)</b>
1. Report with risk index	1		
2. Reports showing Top Malware Detections	1		
3. Reports for Top Infected Machines (Desktop and Server vulnerabilities)	1		

4. Reports on most Active Intrusion Prevention Rule Events	1		
5. Reports of Top Computers Ranked by Number of Intrusion Prevention Events	1		
6. Reports of most Common Source IPs for Intrusion Prevention Events	1		
7. Reports on alerts of Intrusion Prevention rules triggered based on CVSS standards.	1		
8. Summary report including log Inspection rules.	1		
9. Reports of possible identified ransomware file extension or renames activity over network.	1		
<b>Total</b>	<b>9</b>		

**Bidders to score at least 7 out of 9 points for reporting requirements to be evaluated further for section 3.**

<b>Section 3</b>	<b>Points</b>	<b>Comply/Not comply</b>	<b>COMPLIANCE RESPONSE PAGE REFERENCE (AS REFERENCED TO EVIDENCE / BROCHURE) (THE QUOTATION IS NOT CONSIDERED TO BE A REFERENCE)</b>
<b>Graph reporting requirements</b>			
1. Alerts – Critical, Moderate, Warning	1		
2. Anti-Malware detection history	1		
3. Firewall event history	1		
4. Intrusion Prevention event history	1		
5. Integrity Monitoring event history	1		
6. System events	1		
7. Log inspection history	1		
8. Network Threat detection	1		
<b>Total</b>	<b>8</b>		

**Bidders to score at least 6 out of 8 points for the Graph reporting to be evaluated further.**

**10.0 FUNCTIONALITY CRITERIA**

- The tender submission will be evaluated out of 70 for functional criteria.
- A minimum threshold of **50 out of a maximum of 70** has been set.
- Bidders achieving less than the set threshold will be declared non-responsive and therefore will not continue forward for evaluation of Price and specific goals.

**Functional Evaluation Criteria**

Evaluation Area	Evaluation Criteria	Min Points	Max Points
<b>Previous working Experience with reference letters</b>	<p>Bidder to provide the signed reference letter(s) on client letter head describing proposed solution done within the last three years, including contactable references.</p> <ul style="list-style-type: none"> <li>• More than 3 letters from different clients = 20 points</li> <li>• Only 3 letters from different clients = 10 points</li> <li>• Less than 3 letters from different client(s) = 0 points</li> </ul> <p><b>NB: Non-submission of client reference letter(s) will be scored zero. Annexure B</b></p>	<b>10</b>	<b>20</b>
<b>Maintenance and Support</b>	<p><b>Provide detailed information about your call centre / service desk's operational and escalation procedures, 24/7/365 support and maintenance email and telephonic contacts (vendor central service desk) = 10 points</b></p> <ul style="list-style-type: none"> <li>• Minimum 10 days (80 hours) per annum support matrix: <ul style="list-style-type: none"> <li>• Proposed solution annual version upgrades= 5 points</li> <li>• Bi-Annually Health checks = 5 points</li> <li>• Email and telephonic support = 5 points</li> <li>• 24/7/365 onsite support = 5 points</li> </ul> </li> </ul>	<b>30</b>	<b>30</b>
<b>Vendor's engineers' qualification in support of the product</b>	<p>Experience (at least 5 years' experience working on an Endpoint Security solution for legacy devices), qualification, ability and CVs of the proposed support technical team (minimum 2 technically certified resources) i.e. Engineer's Experience and certified on the proposed solution:</p>	<b>5</b>	<b>10</b>

	<ul style="list-style-type: none"> <li>• 3 Technically certified resources = 10 points</li> <li>• 2 Technically certified resources = 5 points</li> <li>• 1 Technically certified resource = 0 points</li> </ul>		
<b>Project Implementation and Admin Training</b>	<ul style="list-style-type: none"> <li>• Project planning Implementation of proposed solution with cost (see Annexure E costing model) = 5 points</li> <li>• Admin Training of proposed solution to minimum of four (4) SABC technical staff = 5 points</li> </ul>	<b>5</b>	<b>10</b>
<b>Total</b>		<b>50</b>	<b>70</b>

**Functionality Threshold for Paper based Evaluation:**

The points obtained for the paper-based evaluation must be at least 50 points out of a maximum of 70 points. Bidders who do not achieve the threshold will not be taken to the next phase of evaluations.

**11.0 PRICE AND SPECIFIC GOALS**

- 11.1 The 80/20 preference point system will apply to evaluate responses.
- 11.2 The award of the tender / RFQ to will be based on functionality evaluation.
- 11.3 The Price and BEE (Specific goals) will be applicable to award the highest scoring bidder.

**12.0 PRICE AND BEE (SPECIFIC GOALS) APPLICATION DURING CONTRACT IMPLEMENTATION**

**12.1 PRICE**

The **80/20** preference point system

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

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

Where:

- Ps = Points scored for comparative price of bid under Consideration
- Pt = Comparative price of bid under consideration
- Pmin = Comparative price of lowest acceptable bid

**12.2 BEE (SPECIFIC GOALS)**

<b><u>SPECIFIC GOALS</u></b>	<b><u>80/20</u></b>
EME/SME 51% owned by Black people	<b>10</b>
51% owned by Black people;	<b>5</b>
51% owned by Black people who are women	<b>3</b>
Black Youth	<b>2</b>

- **NB: All tenders will be issued to the market with all specific goals, and these will be scored in accordance with the evidence as submitted by the bidder. The bidder who does not meet the specific goals will not be disqualified but score zero.**

### **12.3 ADJUDICATION USING A POINT SYSTEM**

- The bidder obtaining the highest number of total points will be awarded the contract.
- Preference points shall be calculated after process has been brought to a comparative basis taking into account all factors of non-firm prices.
- Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

### **12.4 Objective Criteria**

- The SABC reserves the right not to award this tender to any bidder based on the proven poor record of accomplishment of the bidder in previous projects within the SABC.
- The SABC will not award contract/s to the bidders who are blacklisted or have committed other acts of fraud and misrepresentation of facts e.g., tax compliance, company financials, etc. will be eliminated from the bid process.
- The SABC reserve the right not to award this tender to any bidder who fails the financial stability assessment.
- No SABC former employees shall be awarded contracts with the SABC within 24 months after termination of employment with the SABC.
- Should employees resign or retire from the employment of the SABC and become directors of other businesses tendering with the SABC, such tender shall not be considered until the cooling off period of 24 (twenty-four) months has expired.
- Should the employee be dismissed from the SABC employment, such employee shall be prohibited from conducting business with SABC for a period of 5 (five) years from the date of dismissal.
- Should the employee be found guilty in a court of law due to criminal conduct/act, such employee will not be considered to do/conduct business with SABC, until the criminal record has been legally expunged.
- The SABC shall not procure any goods, services, works or Content from any Board member or Board member owned business, to ensure that suppliers competing for the SABC's business have confidence in the integrity of SABC's selection process.
- Should the SABC's Board members no longer serve on the SABC Board but become directors of other companies, the SABC shall not conduct business with those companies until the cooling off period of 24 (twenty-four) months has expired.
- Should the Board member be found guilty in a court of law due to criminal conduct/act, such Board member will not be considered to do/conduct business with SABC, until the criminal record has been legally expunged.
- The SABC shall not procure any goods, services, works or Content from any independent contractor or independent contractor owned business, to ensure that suppliers competing for the SABC's business have confidence in the integrity of SABC's selection process.

- Should the Independent Contractor no longer be contracted to the SABC but become directors of other companies, the SABC shall not conduct business with those companies until the cooling-off period of 24 (twenty-four) months has expired.
- Should the Independent Contract be found guilty in a court of law due to criminal conduct/act, such employee will not be considered to do/conduct business with SABC, until the criminal record has been legally expunged.

### 13.0 COMMUNICATION

Respondents are warned that a response will be disqualified should any attempt be made by a tenderer either directly or indirectly to canvass any officer(s) or employees of SABC in respect of a tender, between the closing date and the date of the award of the business.

All enquiries relating to this RFQ should be emailed three days before the closing date.

### 14.0 CONDITIONS TO BE OBSERVED WHEN TENDERING

- The Corporation does not bind itself to accept the lowest or any tender, nor shall it be responsible for or pay any expenses or losses which may be incurred by the Tenderer in the preparation and delivery of his tender. The Corporation reserves the right to accept a separate tender or separate tenders for any one or more of the sections of a specification. The corporation also reserves the right to withdraw the tender at any stage.
- No tender shall be deemed to have been accepted unless or until a formal contract / letter of award is signed by both parties.
- **The Corporation reserves the right to:**
  - Not evaluate and award submissions that do not comply with this tender document.
  - Make a selection solely on the information received in the submissions
  - Enter into negotiations with any one or more of preferred bidder(s) based on the criteria specified in the evaluation of this tender.
  - Contact any bidder during the evaluation process, in order to clarify any information, without informing any other bidders. During the evaluation process, no change in the content of the RFQ shall be sought, offered or permitted.
  - Award a contract to one or more bidder(s).
  - Accept any tender in part or full at its own discretion.
  - Cancel this RFQ or any part thereof at any time.

- Should a bidder(s) be selected for further negotiations, they will be chosen on the basis of the greatest benefit to the Corporation and not necessarily on the basis of the lowest costs, aligned to the BEE & Price.

### **15.0 Cost of Bidding**

The Tenderer shall bear all costs and expenses associated with preparation and submission of its tender or RFQ, and the Corporation shall under any circumstances be responsible or liable for any such costs, regardless of, without limitation, the outcome of the bidding, evaluation, and selection process.

### **16.0 PAYMENT TERMS**

SABC will effect payment sixty (60) days after the service provider has rendered the service and submitted an invoice / statement.

**END OF RFQ DOCUMENT**

**Annexed to this document for completion and return with the document:**

- Annexure A - **SBD 6.1 Form**
- Annexure B - Consortiums, Joint Ventures and Sub-Contracting Regulations
- Annexure C - Previous completed projects/Current Projects
- Annexure D - SBD 4 Form**
- Annexure E - Costing model**

**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**

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**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.

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>SPECIFIC GOALS</b>	<b>80/20</b>
<b>EME/SME 51% owned by Black people</b>	<b>10</b>
<b>51% owned by Black people;</b>	<b>5</b>
<b>51% owned by Black people who are women</b>	<b>3</b>
<b>Black Youth</b>	<b>2</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:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ P_s = 80 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right) & \text{or} & P_s = 90 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right) \end{array}$$

Where

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

$P_{min}$  = 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:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ P_s = 80 \left( 1 + \frac{P_t - P_{max}}{P_{max}} \right) & \text{or} & P_s = 90 \left( 1 + \frac{P_t - P_{max}}{P_{max}} \right) \end{array}$$

Where

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

$P_{max}$  = 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)
SMMEs (inclusive or QSEs and EMEs) 51% owned by Black people	10	
51% owned by Black people;	5	
51% owned by Black people who are women	3	
Black Youth	2	

*NB: All tenders will be issued to the market with all specific goals, and these will be scored in accordance with the evidence as submitted by the bidder. The bidder who does not meet the specific goals will not be disqualified but score zero*

**Source Documents to be submitted with the tender or RFQ**

Specific Goals	Acceptable Evidence
B-BBEE	Valid BEE Certificate / Sworn Affidavit (in case of JV, a consolidated scorecard will be accepted)
Black Women Owned	Certified ID Documents of the Owners/shareholder
Black Youth owned	Certified ID Documents of the Owners
EME or QSE 51% Black Owned	Annual Financial/ Management Accounts/ B-BBEE Certificate / Affidavit/ Certified ID Documents of the Owners/shareholder
51% Black Owned	CIPC Documents / B-BBEE Certificate/Affidavit/ Certified ID Documents of the Owners/shareholder

South African Enterprises	CIPC Documents
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**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>	..... ..... ..... ..... .....

**ANNEXURE B**

**CONSORTIUMS, JOINT VENTURES AND SUB-CONTRACTING REGULATIONS**

**1. CONSORTIUMS AND JOINT VENTURES**

- 1.1 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 1.2 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate tender.

**2 SUB-CONTRACTING**

- 2.1 A person awarded a contract may only enter into a subcontracting arrangement with the approval of the organ of state.
- 2.2 A person awarded a contract in relation to a designated sector, may not subcontract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 2.3 A person awarded a contract may not subcontract more than 30% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level of contributor than the person concerned, unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

**3 DECLARATION OF SUB-CONTRACTING**

3.1 Will any portion of the contract be sub-contracted? YES / NO

3.2 If yes, indicate:

- 3.2.1 The percentage of the contract will be sub-contracted .....%
- 3.2.2 The name of the sub-contractor .....
- 3.2.3 The B-BBEE status level of the sub-contractor.....
- 3.2.4 whether the sub-contractor is an EME YES / NO

\_\_\_\_\_  
SIGNATURE OF DECLARANT

\_\_\_\_\_  
TENDER NUMBER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
POSITION OF DECLARANT

\_\_\_\_\_  
NAME OF COMPANY OR TENDERER

**ANNEXURE “C”**

**Previous completed projects (preferably provide a detailed company profile, detailed the below mentioned information)**

<b>Project Descriptions</b>	<b>Client</b>	<b>Contact no</b>	<b>Contact person</b>	<b>Email address</b>	<b>Period of projects</b>	<b>Value of projects</b>	<b>Project Commence date</b>	<b>Completed date</b>

**Current Host-to-Host projects (preferably provide a detailed company profile, detailed the below mentioned information)**

<b>Project Descriptions</b>	<b>Client</b>	<b>Contact no</b>	<b>Contact person</b>	<b>Email address</b>	<b>Period of projects</b>	<b>Value of projects</b>	<b>Project Commence date</b>	<b>Completion date</b>

Strictly Confidential

**BIDDER’S DISCLOSURE**

**SBD 4**

**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 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

<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.

2.2 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:

.....  
.....

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.

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<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.

- 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 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

**ANNEXURE E**

**COSTING MODEL**

Item		Item Cost R
	<b>Maintenance, support, installation and training</b>	
1.	Maintenance and Support (three years)	
2.	Project Installation Costs and Project Technical Lead	
3.	Training costs	
	<b>Licensing costs 3 years</b>	
4.	<b>Year 1 licensing</b>	
5.	<b>Escalation Year 2 Licensing</b>	
6.	<b>Escalation Year 3 Licensing</b>	
	<b>Total cost excluding VAT</b>	
	<b>VAT</b>	
	<b>Total cost inclusive VAT</b>	