



**SOUTH AFRICAN DIAMOND AND
PRECIOUS METALS REGULATOR**

REQUEST FOR BIDS

The South African Diamond and Precious Metals Regulator invite prospective service providers to submit bids for the following requirements:

Bid number	Bid Description	Closing date	Enquiries
SADPMR 01/07/2022	REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE LEGAL LIABILITY COVER FOR THE SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR FOR A PERIOD OF 3 YEARS.	26/07/2022	Q Ntshobane B Mdoana

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**SOUTH AFRICAN DIAMOND AND
PRECIOUS METALS REGULATOR**

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	SADPMR01/07/2022	CLOSING DATE:	26 July 2022	CLOSING TIME:	11:00am
DESCRIPTION	REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE DIAMOND LIABILITY COVER FOR THE SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR FOR A PERIOD OF 3 YEARS.				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
2 Cote D'Azur Avenue, Corner Bonaero drive , Bonaero Park, Kempton Park, 1622					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Mr B Mdodana		CONTACT PERSON	Mr Qaphela Ntshobane	
TELEPHONE NUMBER	(011) 223 7000		TELEPHONE NUMBER	(011) 223 7000	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	bulumkom@sadpmr.co.za		E-MAIL ADDRESS	qaphelan@sadpmr.co.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?					<input type="checkbox"/> YES
<input type="checkbox"/> NO					



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DOES THE ENTITY HAVE A BRANCH IN THE RSA?

☐ NO

☐ YES

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?

☐ NO

☐ YES

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

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

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

(Proof of authority must be submitted e.g. company resolution)

DATE:

.....



SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR

TERMS OF REFERENCE FOR THE PROVISION OF DIAMOND LIABILITY COVER FOR A PERIOD OF THREE (3) YEARS

1. Introduction to South African Diamond and Precious Metals Regulator

The South African Diamond and Precious Metals Regulator (SADPMR) is classified as a Schedule 3A Public Entity in accordance with the Public Finance Management Act (PFMA) (Act No.1 of 1999). The entity was established in terms of Section 3 of the Diamonds Act (Act No. 56 of 1986), as amended.

The South African Diamond and Precious Metals Regulator invites qualified bidders to submit tenders and proposals in accordance with the rules set out in this RFP for the provision of the:

- Diamond Liability cover for a period of three (3) years

A submission of tender in response to this Invitation will be deemed to be acceptance of the South African Diamond and Precious Metals Regulator terms and conditions of this tender.

2. Structure of the RFP

No	Description of the document content	Document Name
1.	Documents outlining the RFP background, conditions and instructions.	RFP
2.	Document outlining the business requirements, technical competency requirements and any other information related to the tender requirement.	Technical specification
3.	Documents required (Standard Bidding Documents) as per National Treasury for all competitive bidding process and must be returned with bid submission.	SBD Documents Central Supplier Database (CSD Report)
4.	The proposed agreement under which SADPMR wishes to contract the services.	Draft service level agreement
5.	Response templates. Templates that are required to form part of the Bidder's Tender response.	Pricing Schedule

3. Key Timelines & Activities

The table below highlights all the important dates and times for this bid from the time of bid publication until closing date for submission.

No	Activity	Date & Time
1	Bid Publication on National Treasury's e Tender website, SADPMR website and other applicable media	Publishing date is 04/07/2022. and closing date is 26/07/2022 at 11:00
2	Compulsory/ Non-compulsory Bidders briefing session	No briefing session will be conducted.



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3	Bidders to submit written questions and SADPMR to respond to written questions posed by bidders	Bidders requested to send any queries to qaphelan@sadpmr.co.za.
4	Tenders due ("Closing Date and time")	closing date is 26/07/2022 at 11:00

4. Instructions to Bidders

4.1 General Instructions

This document constitutes a Request for Proposal (RFP) which details Diamond Exchange and Export Centre (DEEC)'s requirements for service provider for the provision of Diamond Liability cover for a period of three (3) years. All bidders must comply with the requirements and instructions as set out in the RFP.

Bidders must ensure that information and documentation supplied can be easily understood and thus, evaluated in a fair and consistent manner. All pricing information must be fully disclosed with all charges clearly defined.

4.2 Objectives

SADPMR's primary objective in issuing this RFP is to conclude one or more service agreement with successful bidder for the provision of Diamond Liability cover.

4.3 Scope of Work

The service provider should have:

- An understanding of the requirements in insuring goods of high value. Example of high-valued goods include but not limited to diamonds, gold and platinum.
- Extensive knowledge of the risk involved in insuring high value goods, unique and volatile goods and the requirements thereof.
- The goods are insured against the following incidents but not limited to the ones listed below:
 - Natural disaster
 - Fire
 - Theft
 - Loss
 - Armed Robbery
- The goods are kept safe at the South African Diamond and Precious Metals Regulator vault.

4.3 Term of Contract

The contract shall be for a duration of three (3) years.



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4.4 Bid Validity

Bid must be valid for a minimum period of 180 days from the closing date of the tender.

4.5 Submission of Proposal

Bid documents will only be considered if received on or before the Closing Date and Time, regardless of the method used to send or deliver such documents to SADPMR. Bids can be hand delivered or posted using the addresses below.

4.6 Physical Address:

Cnr Bonaero Drive and Cote D' Azur Avenue, Bonaero Park, Kempton Park, 1622

Late tenders will not be accepted.

Bidders must submit one original copy of the proposal and a soft copy (USB), in sealed envelopes and clearly marked "Request for Proposal for Diamond Liability cover for a period of three (3) years". The price responses and BEE response must be submitted in a sealed file or envelope separate from Technical Response file.

5. Bid Qualification

- 5.1 A Bidder must be a South African entity (Company, Close Corporation, Sole Proprietor or individual) or have a local branch in South Africa.
- 5.2 The Bidder must be fully tax compliant. As an organ of state, South African Diamond and Precious Metals Regulator cannot conduct business with a company whose tax matters are not in order as declared by SARS.
- 5.3 Bidders who wish to render services to South African Diamond and Precious Metals Regulator must be on or will register on the National Treasury Central Supplier Database (CSD) as per National Treasury Circular No.3 of 2015/6- Central Supplier Database.
- 5.4 South African Diamond and Precious Metals Regulator will disqualify a bidder/s who engages in the following:
 - 5.4.1 Engages in any collusive tendering, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other Bidder in respect of the subject matter of this RFP;
 - 5.4.2 Seeks any assistance, other than assistance officially provided by a government entity, from any employee, advisor or other representative of a government entity in order to obtain any unlawful advantage in relation to procurement or services to be provided to a government entity;
 - 5.4.3 Makes or offers any gift, gratuity, anything of value other inducement, whether lawful or unlawful, to any of SADPMR official or other representatives;
 - 5.4.4 Accepts anything of value or an inducement that would or may provide financial gain, advantage or benefit in relation to the procurement or service to be provided to the entity;



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- 5.4.5 Pays or agrees to pay to any person any fee, commission, percentage, brokerage fee, gift or any other consideration, that is contingent upon or result from the award of any tender, contract, right or entitlement which is in any way related to services to be rendered to the entity;
- 5.4.6 whose Tender contains a negligent misrepresentation which is materially incorrect or misleading
- 5.4.7 who materially fails to comply with any conditions or requirements of this RFP;

6. Bid Evaluation Process

After the closing date of the bid invitation, all received bid proposals will be evaluated for compliance and selection. The following evaluation method will be used to evaluate bids.

6.1 Bid Requirements - Administration Evaluation

Bidders must submit the following administrative standard bidding documents (SBDs) fully completed and signed.

- SBD 1 Invitation to Bid, SBD 4 - Declaration of Interest, SBD 6.1 - Preferential Point Claim Form – **Non-submission will result into a zero score on B-BBEE points**, SBD 8 - Declaration of Bidder's Past Supply Chain Management Practices, SBD 9 - Certificate of Independent Bid Determination and CSD - Central Supplier Database Report

6.2. Mandatory Requirements

Failure to meet the requirements stated on the table below will result into instant disqualification.

No.	Mandatory Requirement	Document to be submitted as proof of evidence
1.	The bidder must be a member of the Financial Intermediaries Association (F.I.A.).	An originally certified copy (not more than three (3) months) of such membership certificate must be submitted with the tender.
2.	The bidder must submit proof of insurance underwriter	

6.3 Functionality Criteria Evaluation

Only bidders that have met mandatory requirements will be evaluated for Functionality. In the technical analysis criteria, bidders will need to attain a minimum 60% points to proceed to the next stage, i.e., Price and B-BBEE evaluation.



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No.	Criteria	Measure of Criteria	Weight
1.	Company Experience – Company Profile	<p>The bidder must have a minimum of five (5) years where they have successfully facilitated or performed and executed projects related to the insurance of high-valued and unique goods.</p> <p>Point Allocation:</p> <p>5 years = 5</p> <p>6 - 7 years = 15</p> <p>Above 7 years = 30</p>	30
	Company Experience - Reference Letters	<p>Bidders must provide a minimum of 3 reference letters on client's letterhead with contact details not older than 5 years where your company has provided a similar service on high-valued items.</p> <p>The reference letter must include the following:</p> <p>Name of company, Contact details, Description of goods insured/Type of insurance provided</p> <p>Duration of contract</p> <p>Point Allocation:</p> <p>3-ref letter = 5</p> <p>4-5 ref letter = 10</p> <p>Above 5 ref letters = 15</p> <p>SADPMR reserves a right to contact provided references to confirm information provided.</p>	15
2	Account Manager Experience	<p>The Account Manager to be allocated to this project must have a minimum of 3 years' experience. The bidder must submit a CV (maximum 3 pages) which covers work experience, education, and training.</p> <p>Point Allocation:</p> <p>3 years to 5 years - 10 points</p> <p>Above 5 years - 20 points</p>	20
3	Financial Viability Assessment	<p>The Bidder must be financially stable to undertake this project</p> <p>The Bidder must submit Financial Statements and Bank Code Report.</p>	35



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		Point Allocation: Audited Financial Statements = 15 Unaudited Financial Statement = 5 Bank Code Report = 15	
Total			100

Note: Only bidders that score 70% threshold or more will be further evaluated on Pricing and preference points.

6.3 Pricing and preference points Evaluation

In the third stage of the evaluation, Tenders that passed the prescribed technical threshold will be evaluated in terms of the 80/20 preference points system under section 2 of the Preferential Procurement Policy Framework Act, 2017.

Stage 1 – Price and B-BBEE Evaluation

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

Where

P_s = Points scored for price of bid under consideration

P_t = Rand value of bid under consideration

P_{min} = Rand value of lowest acceptable bid

B-BBEE Evaluation

Criterion	Points
BEE Certificate or Sworn Affidavit and/or submission of SBD 6.1	20

7. Reservation of Rights

SADPMR reserves a right to:

- 7.1 make no award
- 7.2 withdraw, suspend or cancel this RFP or the RFP process at any time.
- 7.3 change any of its requirements as set out in this RFP by giving Bidders reasonable notice;
- 7.4 provide further information in respect of, and modify the provisions of, this RFP at any time prior to the Closing Date by notice to all prospective Bidders;
- 7.5 conduct site visits and/or perform audits whenever SADPMR deems it prudent to do so;



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- 7.6 undertake further checks on Bidders, which may include information on public record or in the public domain, information contained in internal SADPMR records or information received from other government institutions;
- 7.7 no longer consider a Bidder's Tender where adverse information about the Bidder or its Tender submission has come to the attention of SADPMR, provided that such Bidder is informed accordingly and invited to comment;
- 7.8 to award a Tender based on which Bidder is offering the best value for money, even if such Tender is not the lowest priced tender;

8. RFP not Offer

This RFP does not constitute an offer to do business with SADPMR, but merely serves as an invitation to Bidders to facilitate a requirements-based decision process.

Nothing in this RFP or any other communication made between South African Diamond and Precious Metals Regulator (including its officers, directors, employees, advisers and representatives) is a representation that South African Diamond and Precious Metals Regulator will offer, award or enter into a contract with the Bidder.

The Bidder will bear all its costs in preparing, submitting and presenting any response or Tender to this RFP and all other costs incurred by it throughout the RFP process.

4.6 Enquires

SCM Enquires: Deputy Manager Supply Chain Management

Email: qaphelan@sadpmr.co.za.

Contact Number: 011 223 7000



DECLARATION OF INTEREST

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

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

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

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:
.....

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

2.4 Company Registration Number:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

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

¹"State" means –

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

²"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder
presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:
Name of state institution at which you or the person



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connected to the bidder is employed :

Position occupied in the state institution:

Any other particulars:

.....

.....

.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....

.....

.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

.....

.....

.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.

.....

.....

.....

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? **YES/NO**

2.10.1 If so, furnish particulars.

.....

.....

.....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract? **YES/NO**



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2.11.1 If so, furnish particulars:

.....
.....
.....

3 Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Persal Number

4 DECLARATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of bidder



**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL
PROCUREMENT REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and

1.2

- a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the80/20..... preference point system shall be applicable;

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level means of the contributor”** B-BBEE status of an entity in



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terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment means the Broad-Based Act”**
Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“Rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

$$\square \quad Pt \quad \square P \min \quad \square$$

$$Ps \quad \square 80 \quad \square 1 \quad \square \quad \square$$

$$\square \quad P \min \quad \square$$

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of Points (80/20)
1	20
2	18
3	14



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4	12
5	8
6	6
7	4
8	2
Non-Compliant Contributor	0

5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: . (maximum= of 20.....points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted (*Tick applicable box*)

YES		NO	
-----	--	----	--

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted..... %
- ii) The name of the subcontractor.....
- iii) The B-BBEE status level of the subcontractor.....
- iv) Whether the sub-contractor is an EME or QSE (*Tick applicable box*)

YES		NO	
-----	--	----	--

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: an EME or QSE which is at last 51% owned	EME	QSE
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:

8.2 VAT registration number:

8.3 Company registration number:

8.4 TYPE OF COMPANY/ FIRM



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- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding 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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.



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WITNESSES

1.
2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

**ADDRES
S**
.....



DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		



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SBD 8

CERTIFICATION

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

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME
SHOULD THIS DECLARATION PROVE TO BE FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder



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SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE LEGAL LIABILITY
COVER FOR THE FOR THE SOUTH AFRICAN DIAMOND AND PRECIOUS METALS REGULATOR FOR THE PERIOD
OF 3 YEARS. _____

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;



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3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date



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.....
Position

.....
Name of Bidder

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

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