



FREE STATE DEVELOPMENT CORPORATION

THE APPOINTMENT OF A SERVICE PROVIDER TO RENDER PHYSICAL SECURITY SERVICES FOR ALL FDC BUILDINGS FOR A PERIOD OF 36 MONTHS.

BID NUMBER: FDC BID NO. 002/2023

BREFING SESSION: 07 JULY 2023 AT 12:00

CLOSING DATE: 21 JULY 2023 AT 12:00

PREPARED BY:

FREE STATE DEVELOPMENT CORPORATION
33 KELLNER STREET
WESTDENE BLOEMFONTEIN
9301

TECHNICAL CONTACT PERSON: EDGAR KGAILE
SUPPLY CHAIN MANAGEMENT CONTACT PERSON:
KELEBOGILE MOKOPI

CHECKLIST OF COMPULSORY RETURNABLE SCHEDULES AND DOCUMENTS

Please adhere to the following instructions

- Tick in the relevant block below.
- Use the prescribed sequence in attaching the annexures when completing the Bid Document.
- Ensure that the following documents are completed and signed where applicable:

NB: Should any of these documents not be included, the bidders **may** be disqualified on the basis of non-compliance.

YES	NO	
		Original Bid and a Copy – (hard copy clearly marked as either original and copy) and one Electronic Copy. Important: Kindly note that every document that is submitted as part of the original submission must be <u>duly authorised with the required signatures or initials on each and every page</u> . Failure to comply will result in the bid being noted as incomplete.
		Specifications, Conditions of BID and Undertakings by Bidder
		Certificate of Authority for Joint Ventures
		SBD 1 - Invitation to Bid
		SBD 4 - Declaration of Interest
		SBD 6.1 – Preference Points Claim Form in terms of the Preferential Procurement Regulations 2022
		Valid SARS pin number confirmation certificate
		Curriculum Vitae for directors
		Proof of vehicle ownership in the name of the bidder or a valid vehicle lease agreement
		Firearm licenses in the name of bidder
		Proof of registration with National Treasury Central Supplier Database
		Bidder's Company Profile including ID copies/passports of all company directors

		Proof of PSIRA accreditation and Letter of Good Standing from PSIRA
		Control room in place (attach proof of address)
		Roadworthy vehicles. (proof of ownership or lease agreement)
		Workman's Compensation (Certificate from Department of Labour)
		Public Liability Insurance at least R3 million (Attach proof)
		List of available security equipment e.g. radios and cellphones, vehicles, torch, handcuff's and baton etc.
		CIPC registration

1 SUPPLY CHAIN MANAGEMENT UNIT

1.1 Only questions, queries clarifications which are submitted to this e-mail address, edgar@fdc.co.za will be addressed.

1.2 Bid documents must be submitted as follows:

1.2.1 Original Bid – and

1.2.2 One Soft/ electronic Copy (CD or memory stick).

2. BID TIMETABLE

This timetable is provided as an indication of the timing of the bidding process. It is indicative only and subject to change by Free Development Corporation. Bidders are to provide proposals that will allow achievement of the intended commencement date.

Activity	Date
Advertisement of bid	30 June 2023
Bid document available	30 June 2023
Closing date for bid enquiries	14 July 2023. All enquiries must be directed to: edgar@fdc.co.za
Briefing Session	07 July 2023 at 12:00
Closing date and time	21 July 2023 at 12:00
Bid Validity Period	120 days

PART A**INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE FREE STATE DEVELOPMENT CORPORATION

BID NUMBER:	FDC BID NO. 002/2023	CLOSING DATE:	21 JULY 2023	CLOSING TIME:	12:00
DESCRIPTION	THE APPOINTMENT OF SERVICE PROVIDER TO RENDER PHYSICAL SECURITY SERVICES FOR ALL FDC BUILDINGS FOR A PERIOD OF 36 MONTHS.				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT					
FDC BUILDING, 33 KELLNER STREET, WESTDENE, BLOEMFONTEIN					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	KELEBOGILE MOKOPI		CONTACT PERSON	EDGAR KGAILE	
TELEPHONE NUMBER	051 400 1500		TELEPHONE NUMBER	051 400 1500	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	kele@fdc.co.za		E-MAIL ADDRESS	edgar@fdc.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] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] ☐ Yes ☐ 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?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
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

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, 2022, 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:

3. REQUEST FOR BID

THE APPOINTMENT OF SERVICE PROVIDER TO RENDER PHYSICAL SECURITY SERVICES FOR ALL FDC BUILDINGS FOR A PERIOD OF 36 MONTHS.

INTRODUCTION

The Free State Development Corporation (FDC) is a public entity established in terms of the FDC Act 6 of 1995. In terms of the Public Finance Management Act, it is classified as a schedule 3D entity.

The mandate of the FDC is to establish and develop sustainable SMMEs in the Free State Province by providing both financial and non-financial support services.

FDC Mission

To provide financial and business support services to SMME's and Cooperatives; to undertake the development and management of properties; and to facilitate and promote investments and exports in the Free State Province.

FDC Vision

To be the development and investment agency of choice in contributing to the economic growth of the Free State Province

4. INVITATION TO BID

4.1 Terms of Reference

THE APPOINTMENT OF SERVICE PROVIDER TO RENDER PHYSICAL SECURITY SERVICES FOR ALL FDC BUILDINGS FOR A PERIOD OF 36 MONTHS.

4. Scope of Work

4.1 SCOPE OF SERVICES

4.2 Protect the personnel and property

4.3 Responding to any emergency at FDC properties

4.4 Ensure security of properties and assets of FDC

4.5 Control the parking area and guide visitors and clients effectively and efficiently to the desired location within the FDC premises.

4.6 Verification of incoming visitors

4.7 Patrol the buildings during the day and night to ensure safety and security of FDC assets.

4.8 Provide armed response for emergency situations.

4.9 Monitoring of CCTV Cameras

5. DURATION

The service is expected to be for a period of 36 months .

6. BID REQUIREMENTS

5.1 The following documents must accompany the bid proposal:

- a) Company registration documents
- b) Valid Tax Compliance Status Pin
- c) ID Copies of directors
- d) Proof of address for the business.
- e) Company profile;
- f) Proof of registration with National Treasury Central Supplier Database
- g) Company PSIRA registration.
- h) Security Personnel's PSIRA registration
- i) Control room in place (attach proof of address)
- j) Roadworthy vehicles. (proof of ownership or lease agreement)
- k) Workman's Compensation (Certificate from Department of Labour)
- l) Public Liability Insurance at least R3 million (Attach proof)
- m) List of available security equipment e.g. radios and cellphones, vehicles, torch, handcuff's and baton etc.
- n) CIPC registration

**1. Please indicate your Total Bid Price here:
R..... (Compulsory)**

2. NOTE: ALL Prices must be VAT inclusive and must be quoted in South African Rand.

7. SECURITY NEEDS FOR FDC: MANGAUNG METROPOLITAN, SURROUNDING TOWNS AND THABO MOFUTSANYANE DISTRICT.

7.1. BLOEMFONTEIN

LOCATION	DAY SHIFT	NIGHT SHIFT	GRADING
FDC HEAD OFFICE 33 KELLNER	1	1	C
FDC HEAD OFFICE ARMED GUARDS	2	0	B
36 AVENUE	1	1	C
SUPERVISOR(ARMED)	1	1	B

7.2. BOTSHABELO

LOCATION	DAY SHIFT	NIGHT SHIFT	GRADING
FDC OFFICE	1	1	C
MAIN GATE 1	2	2	C
MAIN GATE 2 STD BANK	1	1	C
MAIN GATE 3 CLINIC	0	1	
PATROLLERS	4	4	C
SMALL PARK C 158	0	1	C
SMALL PARK K 1479	0	1	C
SMALL PARK D 1260	0	1	C
SMALL PARK W 571	0	1	C
C2007&C2009	0	1	C
SUPERVISOR (ARMED)	1	1	B

7.3. THABA NCHU

LOCATION	DAY SHIFT	NIGHT SHIFT	GRADING
FDC INDUSTRIAL	2	2	C

RATLOU COMPLEX	2	2	C
SUPERVISOR	1	1	B
PATROLLING VEHICLE	1	1	
FLATS 1-36 including a vacant house	2	2	C
FLATS 37-60	1	1	C

7.4. LEJWELEPUTSWA DISTRICT (WELKOM)

LOCATION	DAY SHIFT	NIGHT SHIFT	GRADING
WELKOM FDC OFFICE (LAS VEGAS)	1	1	C
FDC HOUSES	2	2	C
SUPERVISOR(ARMED)	1	1	B

7.5 XHARIEP DISTRICT

LOCATION	DAY SHIFT	NIGHT SHIFT	GRADING
TROMPSBURG	1	1	C

7.6. THABO MOFUTSANYANA DISTRICT/ HARRISMITH

LOCATION	DAY SHIFT	NIGHT SHIFT	GRADING
FRAME BUILDING	2	2	C
TSHIAME A SHOPPING COMPLEX	1	1	C
TSHIAME B SHOPPING COMPLEX	1	1	C
INDUSTRIAL 44 BETHLEHEM	1	1	C

7.7. PHUTHADITJHABA- HOUSING

LOCATION	DAY SHIFT	NIGHT SHIFT	GRADING
HOUSE No. 45L (BLUEGUMBUSCH)	0	0	D /C
VUMISA FLATS	0	0	D /C
BOITUMELO FLATS	0	0	D /C

DUPLEX 74/75 DIE BULT	0	0	D /C
HOUSE No.1049 BERUIT (TEMP)	0	0	D /C
VINK AVENUE FLATS HARRISMITH	0	0	D /C

7.8. PHUTHADITJHABA-COMMERCIAL SITES

LOCATION	DAY SHIFT	NIGHT SHIFT	GRADING
NALEDI MALL	2	3	C
LC MOTA/TSHESENG COMPLEX	1	1	C
MIDTOWN COMPLEX	1	2	C
MAKENENG COMPLEX	1	1	C
CHARLES MOPELI COMPLEX	1	2	C
TSEKI COMPLEX	1	1	C
TSEKI RATANANG COMPLEX	1	1	C
LETHO/MONONTSHA COMPLEX	1	1	C
MATSIKENG BEE HIVES	1	1	C
QHOLAQHWWE LUSAKA COMPLEX	1	1	C
BOLATA SHOPPING COMPLEX	1	2	C
FDC TRAINING CENTRE	1	1	C
MAKWANE SHOPPING COMPLEX	1	1	C
MINI CENTRE	1	1	C
HA JIM(KUDUMANE)	1	1	C
CONSULTANCY BUILDING	1	1	C

FDC CLUBVIEW OFFICE	2	2	C

7.9 PHUTHADITJHABA – INDUSTRIAL SITES

LOCATION	DAY SHIFT	NIGHT SHIFT	GRADING
MOHLODING BEE- HIVE	2	2	C
SITE 45	1	1	C
SITE 36/37	1	1	C
SITE 6/2	1	1	C
MOROPOTSANE COMPLEX	1	1	C
SITE 5/1&2	1	1	C
SITE 64(Industrial Park)	1	1	C
SITE 96/75	1	1	C
SITE 95/74	1	1	C
SITE 107	1	1	C
SITE 50/73	1	1	C
SITE 52	2	2	C
SITE 65	1	1	C
SITE 108	1	1	C
PEDESTRIAN GATES	9	0	C
SUPERVISOR ARMED (PATROL VEHICLE)	1	1	B
INDUSTRIAL AREA 1 GATE 1 GATE 2 GATE 3	1 1 1	2 2 2	C C C

INDUSTRIAL AREA 2 GATE 4 GATE 5 GATE 6	1 1 1	2 2 2	C C C
INDUSTRIAL AREA GATE 1,2&3 (INDUSTRIAL PATROLING)	3	3	C
CCTV Control room	3	3	C

The FDC will be in need of 2 supervisors (armed) for Thabo Mofutsanyana District

7.10 FEZILE DABI

LOCATION	DAY SHIFT	NIGHT SHIFT	GRADING
FDC SASOLBURG OFFICE	1	1	C

8. COSTING MODEL

8.1 GUARD COSTS

Please provide details and breakdown;

Resources	Hourly Rate	Monthly Rate
Grade B (Armed Supervisor)		
Grade C		

PRICE DECLARATION FORM

Dear Sir

Having read through and examined the Bid Document, we offer to provide security services to FDC for an amount of:

R

.....
(INCLUDING VAT)

In Words

.....
.....

We confirm that FDC will incur no additional costs whatsoever over and above this amount in connection with the provision of this service.

We undertake to hold this offer open for acceptance for a period of 90 days from the date of submission. We further undertake that upon final acceptance of our offer, we will commence with the provision of service when required to do so by FDC.

We understand that you are not bound to accept the lowest or any offer and that we must bear all costs which we have incurred in connection with preparing and submitting this tender.

We hereby undertake for the period during which this tender remains open for acceptance not to divulge to any persons, other than the persons to which the tender is submitted, any information relating to the submission of this tender or the details therein except where such is necessary for the submission of this tender.

SIGNED ----- DATE-----

Print name of signatory -----

Designation -----

FOR AND ON BEHALF OF: COMPANY NAME -----

----- Tel No -----

----- Fax No -----

Cell No -----

9. EVALUATION CRITERIA

Tenders shall be evaluated in terms of the following parameters:

9.1 Functionality

Bids will be evaluated in accordance with the following technical criteria:

ELEMENT	
8 or more reference letters – 30 points 7 reference letters – 25 points 6 reference letters- 20 points 5 reference letters – 15 points 4 reference letters – 10 points 3 reference letters- 5 points Contactable and signed reference letters will only be considered.	30
Key resources to be used for this project are as follows: Proof of ownership of at least 6 vehicles registered in the name of the bidder. 6 Vehicles (Vehicle lease agreements signed by both parties will also be accepted) – 20 points Proof of current equipped Control Room. (Lease agreement with photographs/images of the control room) - 15 points Proof of Fire Arm license in the name of the bidder- 10 points	20 15 10
Curriculum Vitae (Project Manager) Attach PSIRA Accreditation 5 years of experience- 3 points 6 years of experience – 6 points 7 years of experience- 9 points 8 years of experience – 12 points 9 and more years of experience- 15 points	15

Free State based Company (attach a valid municipal account not older than 3 months or a valid lease agreement)	10
TOTAL	100

A minimum of **75 points out of 100** for the functional evaluation will qualify the Bid

SBD 4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

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

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

Full Name	Identity Number	Name of State institution

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

2.2 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 consortium² will not be construed as collusive bidding.

3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

.....	
Signature	Date
.....	
Position	Name of bidder

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

The applicable preference point system for this tender is the 90/10 preference point system.

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	90
SPECIFIC GOALS	10
Total points for Price and SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that

preference points for specific goals are not claimed.

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

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

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:

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

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Supporting documents to be submitted with the tender document.
Pricing (90 Points)	90		
Women Ownership	3		ID copies
Youth Ownership	3		ID copies
People with disabilities	4		Medical certificate
Total 100 Points	100		

DECLARATION WITH REGARD TO COMPANY/FIRM

- 4.3. Name of company/firm.....
- 4.4. Company registration number:
- 4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

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