

## PA-04 (GS): NOTICE AND INVITATION TO BID

THE DEPARTMENT OF PUBLIC WORKS INVITES BIDDERS FOR THE PROVISION OF APPOINTMENT OF PANEL OF SECURITY SERVICE PROVIDERS FOR SAFEGUARDING AND PROTECTION TO STATE PROPERTIES : WESTERN CAPE REGION, AS AND WHEN SERVICES ARE NEEDED FOR A PERIOD OF 24 MONTHS

<b>Project title:</b>	APPOINTMENT OF PANEL OF SECURITY SERVICE PROVIDERS FOR SAFEGUARDING AND PROTECTION TO STATE PROPERTIES : WESTERN CAPE REGION, AS AND WHEN SERVICES ARE NEEDED FOR A PERIOD OF 24 MONTHS
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<b>Bid no:</b>	CPTSC09/22		
<b>Advertising date:</b>	24/10/2022	<b>Closing date:</b>	14/11/2022
<b>Closing time:</b>	11:00	<b>Validity period:</b>	60 days

Only bidders who are responsive to the following responsiveness criteria are eligible to submit bids:

1.	<input checked="" type="checkbox"/>	Bid offer must be properly received on the bid closing date and time specified on the invitation, fully completed and signed in ink.
2.	<input checked="" type="checkbox"/>	Submission of other compulsory returnable schedules / documents as per (PA-09 (GS)): List of returnable documents.
3.	<input type="checkbox"/>	Submission of (PA-16): Preference points claim form in terms of the Preferential Procurement Regulations 2017.
4.	<input type="checkbox"/>	Compliance to Local Production and Content requirements as per PA36 and Annexure C
5.	<input type="checkbox"/>	Registration on National Treasury's Central Supplier Database (CSD)
6.	<input checked="" type="checkbox"/>	Compliance with Pre-qualification criteria for Preferential Procurement
7.	<input checked="" type="checkbox"/>	Use of correction fluid is prohibited
8.	<input checked="" type="checkbox"/>	Copy of valid PSIRA company registration certificate Copy of valid PSIRA Grade A or B certificates for the Director(s) Copy of valid PSIRA Letter of Good Standing Copy of valid COIDA Letter of Good Standing from Department of Labour
9.	<input checked="" type="checkbox"/>	Submission of duly completed PA 32 and the pricing schedule
10.	<input checked="" type="checkbox"/>	Attendance of compulsory site briefing meeting

11.	<input checked="" type="checkbox"/>	<p>Compliance with Pre Qualification criteria BBEE Level 1 or 2 by means of:</p> <p>a) A valid copy of the bidder's BB-BEE certificate OR</p> <p>b) A valid copy of the bidder's "Sworn Affidavit" attested by the commissioner of Oath as prescribed by the BBB-EE Codes of Good Practice.</p> <p>The Date of deponent and date of Commissioner of Oath must be the correspond or be the same; financial year end must be indicated, according to The Broad-Based Black Economic Empowerment Practice Guide 01 Of 2018, Determining The Validity of a Broad-Based Black Economic Empowerment Verification Certificate, B-BBEE Certificate and Sworn Affidavit paragraph 17(i)</p> <p>c) A valid copy of B-BBEE issued by the DTI will be accepted</p> <p>d) A valid copy of a B-BBEE Verification Certificate / a sworn affidavit and a B-BBEE Certificate issued by the Companies and Intellectual Property Commission (CIPC) will be accepted</p> <p>e) A trust, consortium or joint venture must submit a consolidated B-BBEE status Level Certificates together with the bids. Failure to submit the consolidated BBEE will lead to disqualification of the bid.</p> <p>Specify other responsiveness criteria</p> <p>NB: Failure to submit any of the above will result in disqualification of bids as this is a pre-qualification criteria.</p>
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**Indicate administrative requirements applicable for this tender. Tenderers may be required to submit the below documents where applicable.**

1	<input checked="" type="checkbox"/>	Any correction to be initialled by the person authorised to sign the tender documentation as per PA 15.1 or PA 15.2 resolution of board/s of directors / or PA15.3 Special Resolution of Consortia or JV's .
2	<input checked="" type="checkbox"/>	Submission of applicable (PA-15.1, PA-15.2, PA-15.3): Resolution by the legal entity, or consortium / joint venture, authorising a dedicated person(s) to sign documents on behalf of the firm / consortium / joint venture.
3	<input checked="" type="checkbox"/>	Submission of (PA-11): Declaration of Interest and Tenderer's Past Supply Chain Management Practices.
4	<input checked="" type="checkbox"/>	Submission of (PA-29): Certificate of Independent Bid Determination.
5	<input checked="" type="checkbox"/>	Submission of (PA 40): Declaration of Designated Groups for Preferential Procurement.
6	<input checked="" type="checkbox"/>	Submission of proof of Registration on National Treasury's Central Supplier Database (CSD).
7	<input type="checkbox"/>	Submission of record of attending compulsory virtual bid clarification / site inspection meeting.
8	<input checked="" type="checkbox"/>	Submission of DPW-16 as proof of attendance of compulsory briefing meeting.
9	<input checked="" type="checkbox"/>	Copy of Bargaining Council Health Insurance Copy of Bargaining Council Medical Aid Allowance Copy of valid letter of Good Standing from UIF Copy of valid letter of good standing from the National Bargaining Council for the Private Security Sector Copy of valid certificate of registration issued by the National Bargaining Council for the Private Security Sector OR (In the event the bidder has already obtained the letter of Good standing issued by the National Bargaining Council for the Private Security Sector, such bidder may submit it with the tender document)
10	<input checked="" type="checkbox"/>	Submission and completion of (PA16) for: Preference points claim form in terms of the Preferential Procurement Regulations 2017
11	<input type="checkbox"/>	Proof of ownership or intent to buy or lease quad bike within seven (07) calendar days if awarded the tender
12	<input checked="" type="checkbox"/>	Bidders must provide a valid copy of ICASA license OR lease agreement signed by both lessor and lessee together with the copy of ICASA license from the company the bidder is leasing.

**Tenderer must comply with the Pre-qualification criteria for Preferential Procurement listed below**

<input checked="" type="checkbox"/>	A tenderer having stipulated minimum B-BBEE status level of contributor: <input checked="" type="checkbox"/> Level 1 or <input checked="" type="checkbox"/> Level 2 or <input type="checkbox"/> Level 3
<input type="checkbox"/>	An EME or QSE
<input type="checkbox"/>	A tenderer subcontracting a minimum of 30% to: <input type="checkbox"/> An EME or QSE which is at least 51% owned by black people <input type="checkbox"/> An EME or QSE which is at least 51% owned by black people who are youth <input type="checkbox"/> An EME or QSE which is at least 51% owned by black people who are women <input type="checkbox"/> An EME or QSE which is at least 51% owned by black people with disabilities <input type="checkbox"/> An EME or QSE which is at least 51% owned by black people living in rural or underdeveloped areas or townships <input type="checkbox"/> A co-operative which is at least 51% owned by black people <input type="checkbox"/> An EME or QSE which is at least 51% owned by black people who are Military veterans <input type="checkbox"/> An EME or QSE;

This bid will be evaluated according to the preferential procurement model in the PPPFA:  
 (Tick applicable preference point scoring system)

<input checked="" type="checkbox"/> 80/20 Preference points scoring system	<input type="checkbox"/> 90/10 Preference points scoring system	<input type="checkbox"/> Either 80/20 or 90/10 Preference points scoring system
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In case where below/above R 50 000 000 is selected, the lowest acceptable tender will be used to determine the applicable preference point system.

**Note:** Functionality will be applied as a prequalification criterion. Such criteria is used to establish minimum requirements where after bids will be evaluated solely on the basis of price and preference.

Minimum functionality score to qualify for further evaluation:	50
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Functionality criteria:	Weighting factor:
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<p><b>A. Company Experience on safeguarding Projects</b>                      Company experience of safeguarding response projects to the minimum value of R300 000 (Three hundred thousand) undertaken accumulatively in the past 5 years (2017 to 2022). The means of proving experience are subject to the attachment of appointment letter(s) /contract(s)/ SLA's or Purchase Order(s) from the employer with reference letters clearly stating the contract value, name of the employer, duration of the contract and contact details.</p> <p>Only projects completed prior to the closing date will be considered</p> <p>The projects provided by the bidder in this category must be recorded on the DPW-09.</p> <p>Failure to provide information on the DPW-09 or provide information regarding the bidder's experience will lead to no scoring of points in this criteria.</p> <p>(The Department has the right to verify the projects listed on the DPW-09)</p> <p>3 Projects or more. = 5                      2 Projects = 3                      1 Project = 1</p>	<p>60</p>
<p><b>B. Infrastructure Requirements – Control Room</b></p> <p>The Bidder must have a functional control room.                      Bidders must provide proof of ownership of an existing control room (copy of a Title Deed) OR                      Lease agreement of existing control room duly signed by the lessor and the lessee (lease agreement must be valid for the duration of the contract) OR                      letter of intent to buy or lease signed by the bidder to establish the control room.                      (The bidder will be given 7 calendar days to establish the control room if awarded the tender).</p> <p>3 Points = Letter of intent to establish a control room within the area tendered                      5 Points = Satisfactory proof provided for ownership or lease agreement</p>	<p>20</p>
<p><b>C. Infrastructure requirements - Vehicles</b>                      The bidder must provide proof of 2 response vehicles for inspection or response in cases of emergency. The bidder must provide proof of ownership of vehicles as follows:</p> <p>Copy of E-Natis report for the vehicle(s) registered under the Directors's name or company name. OR                      A lease agreement duly signed by both parties ( the lessor and lessee) OR                      A letter of intent to buy or lease vehicles.(The bidder will be given 7 calendar days to lease or buy the vehicles if awarded the tender)</p> <p>Proof of ownership / Lease agreement = 5                      Letter of Intent = 3</p>	<p>20</p>
<p><b>Total</b></p>	<p><b>100 Points</b></p>

Subject to sub-regulation 6(2) and /or 7(2), points must be awarded to a tenderer for attaining B-BBEE status level contributor in accordance with the table below:

B-BBEE Status Level of Contributor	Number of Points (90/10 system)	Number of Points (80/20 system)
1	10	20

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2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- The points scored by a tenderer in respect of the level of BBBEE contribution contemplated in sub regulation 6(2) and 7(2) must be added to the points scored for price as calculated in accordance with sub regulation 6(1) and 7(1) respectively
- Subject to regulation 11(1), the contract must be awarded to the tenderer who scores the highest total number of points.
- A contract may be awarded to a tenderer that did not score the highest total number of points, only in accordance with section 2 (1) (f) of the Act

**COLLECTION OF BID DOCUMENTS:**

- ☒ Bid documents are available for free download on e-Tender portal [www.etenders.gov.za](http://www.etenders.gov.za)
- ☒ Alternatively; Bid documents may be collected during working hours at the following address ROOM 941, 9TH FLOOR, CUSTOMS HOUSE, HEERENGRACHT STREET, FORESHORE. A non-refundable bid deposit of R 200 is payable, (Cash only) is required on collection of the bid documents.
- ☒ A **compulsory** pre bid meeting with representatives of the Department of Public Works will take place at Customs House on 07/11/2022 starting at 10:00. Venue 3rd FLOOR, DOME, CUSTOMS HOUSE BUILDING . (if applicable)

**ENQUIRIES RELATED TO BID DOCUMENTS MAY BE ADDRESSED TO:**

<b>DPW Project Leader:</b>	FRANS MOLEHE	<b>Telephone no:</b>	021 402 2267
<b>Cell no:</b>	072 714 8156	<b>Fax no:</b>	N/A
<b>E-mail:</b>	FRANS.MOLEHE@DPW.GOV.ZA		

**DEPOSIT / RETURN OF BID DOCUMENTS:**

Telegraphic, telephonic, telex, facsimile, electronic and / or late tenders will not be accepted.

Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the bid document.


All tenders must be submitted on the official forms –



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<b>BID DOCUMENTS MAY BE POSTED TO:</b>  THE DIRECTOR -GENERAL DEPARTMENT OF PUBLIC WORKS PRIVATE BAG X 9027  CAPE TOWN 8000  ATTENTION: <b>PROCUREMENT SECTION: ROOM 941</b>  <i>POSTED TENDERS MUST BE RECEIVED PRIOR CLOSING DATE AND TIME AT 11H00 BY THE DEPARTMENT</i>	OR	<b>DEPOSITED IN THE TENDER BOX AT:</b>  GROUND FLOOR, TENDER BOX CUSTOMS HOUSE HEERENGRACHT STREET, FORESHORE TENDER BOX
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**COMPILED BY:**

FRANS MOLEHE		PROJECT LEADER	24/10/22
Name of Project Leader	Signature	Capacity	Date

## PA-09 (GS): LIST OF RETURNABLE DOCUMENTS

<b>Project title:</b>	APPOINTMENT OF PANEL OF SECURITY SERVICES PROVIDERS FOR SAFEGUARDING AND PROTECTION TO STATE PROPERTIES: WESTERN CAPE REGION, AS AND WHEN SERVICES ARE NEEDED FOR A PERIOD OF 24 MONTHS		
<b>Project Leader:</b>	FRANS MOLEHE	<b>Bid / Quote no:</b>	

**1. THE BIDDER MUST COMPLETE THE FOLLOWING RETUNABLE DOCUMENTS:**

(Bidders may use the "Returnable document" column to confirm documents have been completed and returned by inserting a tick)

[illegible]



## PA 32: INVITATION TO BID PART A

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	CPTSC/09/22	CLOSING DATE:	14/11/2022	CLOSING TIME:	11H00
DESCRIPTION	APPOINTMENT OF PANEL OF SECURITY SERVICE PROVIDERS FOR SAFEGUARDING AND PROTECTION TO STATE PROPERTIES: WESTERN CAPE REGION, AS AND WHEN SERVICES ARE NEEDED FOR A PERIOD OF 24 MONTHS				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (DPW04.1 GS or DPW04.2 GS).					

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

Ground Floor Main entrance at Customs House Building					
OR POSTED TO:					
PRAVITE BAG X 9027					
Customs House Cape town 8000					
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					
		TCS PIN:		OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE (TICK APPLICABLE BOX)	<input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT		<input type="checkbox"/> Yes <input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	<input type="checkbox"/>	A REGISTERED AUDITOR DETAILS:			
		NAME:			
		REGISTRATION NUMBER:			
	BUSINESS ADDRESS:				
	.....				
	.....				
	.....				
	.....				
	TELEPHONE NUMBER:.....				

E-MAIL ADDRESS:.....

**[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 PART B:3 BELOW]
SIGNATURE OF BIDDER	.....	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			

TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE ('ALL APPLICABLE TAXES)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>
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 ONLINE
1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMED: ( BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMED: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.5. 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 LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
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 VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD

NUMBER MUST BE PROVIDED.

**3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

- 3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO
- 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO
- 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO
- 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO

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

**NB:** FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID. AN ORIGINAL OR CERTIFIED COPY OF THE B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE.

**Note Well:**

- a) In respect of non VAT vendors the bidders may not increase the bid price under Section 67(1) of the Value Added Tax Act of 1991 where the relevant transaction would become subject to VAT by reason of the turnover threshold being exceeded and the bidder becomes liable for VAT.
- b) **All delivery costs must be included in the bid price, for delivery at the prescribed destination.**
- c) The price that appears on this form is the one that will be considered for acceptance as **a firm and final offer**.
- d) The grand total in the pricing schedule(s), inclusive of VAT, attached to the bid offer must correlate and be transferred to this form (PA32).
- e) Where there are inconsistencies between the grand total price offer in the pricing schedule(s) and the PA32 price offer, the price offer on the PA32 shall prevail and deemed to be firm and final. No further correspondence shall be entered into in this regard.

<sup>1</sup> All applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies

## PA-11: 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 interest (1) 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 consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.5 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.
- 3.6 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.

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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.

- 3.7 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

This form has been aligned with SBD4

## PA-15.1: RESOLUTION OF BOARD OF DIRECTORS

**RESOLUTION** of a meeting of the Board of \*Directors / Members / Partners of:

\_\_\_\_\_  
*(Legally correct full name and registration number, if applicable, of the Enterprise)*

Held at \_\_\_\_\_ *(place)*

on \_\_\_\_\_ *(date)*

### RESOLVED that:

- The Enterprise submits a Bid / Tender to the Department of Public Works in respect of the following project:

\_\_\_\_\_  
*(Project description as per Bid / Tender Document)*

Bid / Tender Number: \_\_\_\_\_ *(Bid / Tender Number as per Bid / Tender Document)*

- \*Mr/Mrs/Ms: \_\_\_\_\_

in \*his/her Capacity as: \_\_\_\_\_ *(Position in the Enterprise)*

and who will sign as follows: \_\_\_\_\_

be, and is hereby, authorised to sign the Bid / Tender, and any and all other documents and/or correspondence in connection with and relating to the Bid / Tender, as well as to sign any Contract, and any and all documentation, resulting from the award of the Bid / Tender to the Enterprise mentioned above.

	Name	Capacity	Signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			

17			
18			
19			
20			

The bidding enterprise hereby absolves the Department of Public Works from any liability whatsoever that may arise as a result of this document being signed.

**Note:**

1. \* Delete which is not applicable.
2. **NB:** This resolution must, where possible, be signed by all the Directors / Members / Partners of the Bidding Enterprise.
3. In the event that paragraph 2 cannot be complied with, the resolution must be signed by Directors / Members / Partners holding a majority of the shares / ownership of the Bidding Enterprise (attach proof of shareholding / ownership hereto).
4. Directors / Members / Partners of the Bidding Enterprise may alternatively appoint a person to sign this document on behalf of the Bidding Enterprise, which person must be so authorized by way of a duly completed power of attorney, signed by the Directors / Members / Partners holding a majority of the shares / ownership of the Bidding Enterprise (proof of shareholding / ownership and power of attorney are to be attached hereto).
5. Should the number of Directors / Members / Partners exceed the space available above, additional names and signatures must be supplied on a separate page.

**ENTERPRISE STAMP**

## PA-15.2: RESOLUTION OF BOARD OF DIRECTORS TO ENTER INTO CONSORTIA OR JOINT VENTURES

RESOLUTION of a meeting of the Board of \*Directors / Members / Partners of:

\_\_\_\_\_  
(Legally correct full name and registration number, if applicable, of the Enterprise)

Held at \_\_\_\_\_ (place)

on \_\_\_\_\_ (date)

### RESOLVED that:

1. The Enterprise submits a Bid /Tender, in consortium/Joint Venture with the following Enterprises:

\_\_\_\_\_  
(List all the legally correct full names and registration numbers, if applicable, of the Enterprises forming the Consortium/Joint Venture)

to the Department of Public Works in respect of the following project:

\_\_\_\_\_  
(Project description as per Bid /Tender Document)

Bid / Tender Number: \_\_\_\_\_ (Bid / Tender Number as per Bid / Tender Document)

2. \*Mr/Mrs/Ms: \_\_\_\_\_

in \*his/her Capacity as: \_\_\_\_\_ (Position in the Enterprise)

and who will sign as follows: \_\_\_\_\_

be, and is hereby, authorised to sign a consortium/joint venture agreement with the parties listed under item 1 above, and any and all other documents and/or correspondence in connection with and relating to the consortium/joint venture, in respect of the project described under item 1 above.

3. The Enterprise accepts joint and several liability with the parties listed under item 1 above for the due fulfilment of the obligations of the joint venture deriving from, and in any way connected with, the Contract to be entered into with the Department in respect of the project described under item 1 above.
4. The Enterprise chooses as its *domicilium citandi et executandi* for all purposes arising from this joint venture agreement and the Contract with the Department in respect of the project under item 1 above:

Physical address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (code)

## PA-15.2: Resolution of Board of Directors to enter into Consortia or Joint Ventures

Postal Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ (code)

Telephone number: \_\_\_\_\_

Fax number: \_\_\_\_\_

	Name	Capacity	Signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

The bidding enterprise hereby absolves the Department of Public Works from any liability whatsoever that may arise as a result of this document being signed

### Note:

- \* Delete which is not applicable.
- NB:** This resolution must, where possible, be signed by all the Directors / Members / Partners of the Bidding Enterprise.
- In the event that paragraph 2 cannot be complied with, the resolution must be signed by Directors / Members / Partners holding a majority of the shares / ownership of the Bidding Enterprise (attach proof of shareholding / ownership hereto).
- Directors / Members / Partners of the Bidding Enterprise may alternatively appoint a person to sign this document on behalf of the Bidding Enterprise, which person must be so authorized by way of a duly completed power of attorney, signed by the Directors / Members / Partners holding a majority of the shares / ownership of the Bidding Enterprise (proof of shareholding / ownership and power of attorney are to be attached hereto).
- Should the number of Directors / Members / Partners exceed the space available above, additional names and signatures must be supplied on a separate page.

### ENTERPRISE STAMP



## PA-15.3: SPECIAL RESOLUTION OF CONSORTIA OR JOINT VENTURES

**RESOLUTION** of a meeting of the duly authorised representatives of the following legal entities who have entered into a consortium/joint venture to jointly bid for the project mentioned below: *(legally correct full names and registration numbers, if applicable, of the Enterprises forming a Consortium/Joint Venture)*

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_
4. \_\_\_\_\_  
\_\_\_\_\_
5. \_\_\_\_\_  
\_\_\_\_\_
6. \_\_\_\_\_  
\_\_\_\_\_
7. \_\_\_\_\_  
\_\_\_\_\_
8. \_\_\_\_\_  
\_\_\_\_\_

Held at \_\_\_\_\_ (place)

on \_\_\_\_\_ (date)

**RESOLVED that:**

**RESOLVED that:**

- A. The above-mentioned Enterprises submit a Bid in Consortium/Joint Venture to the Department of Public Works in respect of the following project:

\_\_\_\_\_  
\_\_\_\_\_

*(Project description as per Bid /Tender Document)*

Bid / Tender Number: \_\_\_\_\_ *(Bid / Tender Number as per Bid /Tender Document)*

PA-15.3: Special Resolution of Consortia or Joint Ventures

B. \*Mr/Mrs/Ms: \_\_\_\_\_

in \*his/her Capacity as: \_\_\_\_\_ (Position in the Enterprise)

and who will sign as follows: \_\_\_\_\_

be, and is hereby, authorised to sign the Bid, and any and all other documents and/or correspondence in connection with and relating to the Bid, as well as to sign any Contract, and any and all documentation, resulting from the award of the Bid to the Enterprises in Consortium/Joint Venture mentioned above.

C. The Enterprises constituting the Consortium/Joint Venture, notwithstanding its composition, shall conduct all business under the name and style of:

\_\_\_\_\_

D. The Enterprises to the Consortium/Joint Venture accept joint and several liability for the due fulfilment of the obligations of the Consortium/Joint Venture deriving from, and in any way connected with, the Contract entered into with the Department in respect of the project described under item A above.

E. Any of the Enterprises to the Consortium/Joint Venture intending to terminate the consortium/joint venture agreement, for whatever reason, shall give the Department 30 days written notice of such intention. Notwithstanding such decision to terminate, the Enterprises shall remain jointly and severally liable to the Department for the due fulfilment of the obligations of the Consortium/Joint Venture as mentioned under item D above.

F. No Enterprise to the Consortium/Joint Venture shall, without the prior written consent of the other Enterprises to the Consortium/Joint Venture and of the Department, cede any of its rights or assign any of its obligations under the consortium/joint venture agreement in relation to the Contract with the Department referred to herein.

G. The Enterprises choose as the *domicilium citandi et executandi* of the Consortium/Joint Venture for all purposes arising from the consortium/joint venture agreement and the Contract with the Department in respect of the project under item A above:

Physical address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (Postal code) \_\_\_\_\_

Postal Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (Postal code) \_\_\_\_\_

Telephone number: \_\_\_\_\_

Fax number: \_\_\_\_\_

### PA-15.3: Special Resolution of Consortia or Joint Ventures

	Name	Capacity	Signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

The bidding enterprise hereby absolves the Department of Public Works & Infrastructure from any liability whatsoever that may arise as a result of this document being signed.

**Note:**

- \* Delete which is not applicable.
- NB:** This resolution must be signed by all the Duly Authorised Representatives of the Legal Entities to the consortium/joint venture submitting this tender, as named in item 2 of Resolution PA-15.2.
- Should the number of the Duly Authorised Representatives of the Legal Entities joining forces in this tender exceed the space available above, additional names, capacity and signatures must be supplied on a separate page.
- Resolution PA-15.2, duly completed and signed, from the separate Enterprises who participate in this consortium/joint venture, must be attached to this Special Resolution (PA-15.3).

## **PA16: 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 AND THE AMENDED B-BBEE CODES.**

### **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
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2. The value of this bid is estimated to **Not Exceed** R50 000 000 (all applicable taxes included) and therefore the... **80/20** .....system shall be applicable.

1.3. Preference points for this bid shall be awarded for:

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

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

	<b>POINTS</b>
<b>1.3.1.1 PRICE</b>	<b>80</b>
<b>1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION</b>	<b>20</b>
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

1.4. Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5. An Exempted Micro Enterprise (EME) is only required to obtain a sworn affidavit or a certificate issued by Companies and intellectual property Commission (CIPC) confirming their annual turnover of R10 Million or less and level of black ownership to claim points.

1.6. Qualifying Small Enterprise (QSE) is only required to obtain a sworn affidavit or a certificate issued by Companies and intellectual property Commission (CIPC) confirming their annual turnover of R10 Million or less and level of black ownership to claim points.

- 1.7 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.
- 1.8 CERTIFICATES ISSUED BY IRBA AND ACCOUNTING OFFICER HAVE BEEN DISCONTINUED; HOWEVER VALID CERTIFICATES ALREADY ISSUED BEFORE 01 JANUARY 2017 MAY BE USED UNTIL THEY PHASE OUT COMPLETELY BY DECEMBER 2017

## 2. DEFINITIONS

- (a) **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- (b) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (c) **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (d) **“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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- (e) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (f) **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- (g) **“consortium or joint venture”** 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;
- (h) **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- (i) **“EME”** means an Exempted Micro Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (j) **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- (k) **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- (l) **“non-firm prices”** means all prices other than “firm” prices;
- (m) **“person”** includes a juristic person;
- (n) **“QSE”** means a Qualifying Small Enterprise as defines by Codes of Good Practice under

section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 ( Act No. 53 of 2003);

- (o) **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- (p) **“sub-contract”** means the primary contractor's assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- (q) **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- (r) **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- (s) **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

### 3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

### 4. POINTS AWARDED FOR PRICE

#### 4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

**80/20                      or                      90/10**

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

$P_s$  = Points scored for comparative price of bid under consideration

$P_t$  = Comparative price of bid under consideration

Any reference to words “Bid” or Bidder” herein and/or in any other documentation shall be construed to have the same meaning as the words “Tender” or “Tenderer”.

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Pmin = Comparative price of lowest acceptable bid

## 5. Points awarded for B-BBEE Status Level of Contribution

- 5.1 In terms of Regulation 6(2) and /or 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 (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 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.
- 5.3 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 bid.
- 5.4 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.5 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

## 6. BID DECLARATION

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

**7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1**

7.1 B-BBEE Status Level of Contribution: ..... = .....(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or Sworn Affidavit for EME's and QSE's.

**8 SUB-CONTRACTING (relates to 5.5)**

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

(i) what percentage of the contract will be subcontracted? .....%

(ii) the name of the sub-contractor? .....

(iii) the B-BBEE status level of the sub-contractor? .....

(iv) whether the sub-contractor is an EME/ a QSE YES / NO (delete which is not applicable)

Designated Group: An EME or QSE which is at last 51% owned by:	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		
<b>OR</b>		
Any EME		
Any QSE		

**9 DECLARATION WITH REGARD TO COMPANY/FIRM**

9.1 Name of company/firm .....

9.2 VAT registration number .....

9.3 Company registration number .....

9.4 TYPE OF COMPANY/ FIRM

Partnership/Joint Venture / Consortium

One person business/sole propriety

Close corporation

Company

(Pty) Limited

Any reference to words "Bid" or Bidder" herein and/or in any other documentation shall be construed to have the same meaning as the words "Tender" or "Tenderer".

For Internal Use

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[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

9.6 COMPANY CLASSIFICATION

Manufacturer

Supplier

Professional service provider

Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business? .....

9.8 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 contribution indicated in paragraph 7 of the foregoing certificate/ Sworn Affidavit, 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 paragraph 7, 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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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

**WITNESSES:**

1. ....

2. ....

.....

**SIGNATURE(S) OF BIDDER(S)**

DATE:..... ADDRESS:.....

.....

## PA- 29: CERTIFICATION OF INDEPENDENT BID DETERMINATION

<b>Project title:</b>	APPOINTMENT OF PANEL OF SECURITY SERVICE PROVIDERS FOR SAFEGUARDING AND PROTECTION TO STATE PROPERTIES: WESTERN CAPE REGION , AS AND WHEN SERVICES ARE NEEDED FOR A PERIOD OF 24 MONTHS		
<b>Bid no:</b>	CPTSC 09/22	<b>Reference no:</b>	

### INTRODUCTION

1. This PA-29 [Certificate of Independent Bid Determination] must form part of all bids<sup>1</sup> 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).<sup>2</sup> Collusive bidding is a *per 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 form (PA-29) 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 (PA-29) must be completed and submitted with the bid:

---

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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.

## **CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

---

**(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.
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 consortium<sup>3</sup> 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.

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.

Name of Bidder	Signature	Date	Position

<sup>3</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.

# PA- 40: DECLARATION OF DESIGNATED GROUPS FOR PREFERENTIAL PROCUREMENT

Tender no: CPTSC09/22

Name of Tenderer ..... ☐ EME<sup>1</sup> ☐ QSE<sup>2</sup> ☐ Non EME/QSE (tick applicable box)

## 1. LIST ALL PROPRIETORS, MEMBERS OR SHAREHOLDERS BY NAME, IDENTITY NUMBER, CITIZENSHIP AND DESIGNATED GROUPS.

Name and Surname #	Identity/ Passport number and Citizenship##	Percentage owned	Black	Indicate if youth	Indicate if woman	Indicate if person with disability	Indicate if living in Rural (R) / Under Developed Area (UD) / Township (T) / Urban (U).	Indicate if military veteran
1.		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> R <input type="checkbox"/> UD <input type="checkbox"/> T <input type="checkbox"/> U	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> R <input type="checkbox"/> UD <input type="checkbox"/> T <input type="checkbox"/> U	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> R <input type="checkbox"/> UD <input type="checkbox"/> T <input type="checkbox"/> U	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> R <input type="checkbox"/> UD <input type="checkbox"/> T <input type="checkbox"/> U	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> R <input type="checkbox"/> UD <input type="checkbox"/> T <input type="checkbox"/> U	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> R <input type="checkbox"/> UD <input type="checkbox"/> T <input type="checkbox"/> U	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> R <input type="checkbox"/> UD <input type="checkbox"/> T <input type="checkbox"/> U	<input type="checkbox"/> Yes <input type="checkbox"/> No
8.		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> R <input type="checkbox"/> UD <input type="checkbox"/> T <input type="checkbox"/> U	<input type="checkbox"/> Yes <input type="checkbox"/> No
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11.		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> R <input type="checkbox"/> UD <input type="checkbox"/> T <input type="checkbox"/> U	<input type="checkbox"/> Yes <input type="checkbox"/> No
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# Where Owners are themselves a Company, Close Corporation, Partnership etc, identify the ownership of the Holding Company, together with Registration number  
## State date of South African citizenship obtained (not applicable to persons born in South Africa)

<sup>1</sup> EME: Exempted Micro Enterprise

<sup>2</sup> QSE: Qualifying Small Business Enterprise

## PA- 40: DECLARATION OF DESIGNATED GROUPS FOR PREFERENTIAL PROCUREMENT

Tender no: CPTSC09/22

### 2. DECLARATION:

The undersigned, who warrants that he/she is duly authorized to do so on behalf of the Tenderer, hereby confirms that:

- 1 The information and particulars contained in this Affidavit are true and correct in all respects;
- 2 The Broad-based Black Economic Empowerment Act, 2003 (Act 53 of 2003), Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), the Preferential Procurement Regulations, 2017, National Small Business Act 102 of 1996 as amended and all documents pertaining to this Tender were studied and understood and that the above form was completed according to the definitions and information contained in said documents;
- 3 The Tenderer understands that any intentional misrepresentation or fraudulent information provided herein shall disqualify the Tenderer's offer herein, as well as any other tender offer(s) of the Tenderer simultaneously being evaluated, or will entitle the Employer to cancel any Contract resulting from the Tenderer's offer herein;
- 4 The Tenderer accepts that the Employer may exercise any other remedy it may have in law and in the Contract, including a claim for damages for having to accept a less favourable tender as a result of any such disqualification due to misrepresentation or fraudulent information provided herein;
- 5 Any further documentary proof required by the Employer regarding the information provided herein, will be submitted to the Employer within the time period as may be set by the latter;

Signed by the Tenderer

Name of representative	Signature	Date

## DPW-09 (EC): PARTICULARS OF TENDERER'S PROJECTS

<b>Project title:</b>	<b>APPOINTMENT OF PANEL OF SECURITY SERVICE PROVIDERS FOR SAFEGUARDING AND PROTECTION TO STATE PROPERTIES: WESTERN CAPE REGION, AS AND WHEN SERVICES ARE NEEDED FOR A PERIOD OF 24 MONTHS</b>		
<b>Tender / quotation no:</b>	CPTSC 09/22	<b>Closing date:</b>	14/11/2022
<b>Advertising date:</b>	24/10/2022	<b>Validity period:</b>	60 days

### 1. PARTICULARS OF THE TENDERER'S CURRENT AND PREVIOUS COMMITMENTS

#### 1.1. Current projects

Projects currently engaged in	Name of Employer or Representative of Employer	Contact tel. no.	Contract sum	Contractual commence-date	Contractual completion date	Current percentage progress
1						
2						
3						
4						
5						
6						
7						
8						

Tender no:

1.2. Completed projects

Projects completed in the previous 5 (five) years	Name of Employer or Representative of Employer	Contact tel. no.	Contract sum	Contractual commencement date	Contractual completion date	Date of Certificate of Practical Completion
1						
2						
3						
4						
5						
6						
7						
8						
9						

Name of Tenderer	Signature
	Date



## DPW-16 (EC): SITE INSPECTION MEETING CERTIFICATE

Project title:	<b>APPOINTMENT OF PANEL OF SECURITY SERVICE PROVIDERS FOR SAFEGUARDING AND PROTECTION TO STATE PROPERTIES: WESTERN CAPE REGION , AS AND WHEN SERVICES ARE NEEDED FOR A PERIOD OF 24 MONTHS</b>		
Tender no:	CPTSC 09/22	Reference no:	
Closing date:	14/11/2022		

This is to certify that I, \_\_\_\_\_ representing  
\_\_\_\_\_ in the company of  
\_\_\_\_\_ visited the site on: **07/11/2022**

I have made myself familiar with all local conditions likely to influence the work and the cost thereof. I further certify that I am satisfied with the description of the work and explanations given at the site inspection meeting and that I understand perfectly the work to be done, as specified and implied, in the execution of this contract.

Name of Tenderer	Signature	Date

Name of DPW Representative	Signature	Date



## TERMS OF REFERENCE

### 1. PURPOSE OF THIS BID

The purpose of this bid is to invite security service providers for **APPOINTMENT OF PANEL OF SECURITY SERVICE PROVIDERS FOR SAFEGUARDING AND PROTECTION TO STATE PROPERTIES: WESTERN CAPE REGION AS AND WHEN NEEDED FOR A PERIOD OF 24 MONTHS**

### 2. PROJECT OBJECTIVES

The objective of this bid is to appoint a panel of security service providers for the Western Cape Region to ensure the safeguarding of the Department of Public Works & Infrastructure state properties situated in the Western Cape Region including all assets, personnel and information for 24/7 hours a day.

### 3. THE PANEL

The panel will consist of all bidders who meet all the requirements and criteria as stipulated in this terms of reference as well as on the PA04 (GS) Notice & Invitation to Bid.

Bidders on the panel will be ranked from the lowest mark-up percentage to the highest and work will be allocated accordingly.

Each allocation of work will be for a duration of three months period and rotated thereafter.

All bids will be evaluated, scored, the highest scoring bidder (BBBEE, mark-up percentage, overheads and tax percentage) will be given the work first (as and when the need arises) before going to the next bidder in terms of the lowest mark-up percentage until all bidders are utilized.

If all bidders are utilized or allocated work from the panel, the Department will begin with the lowest mark-up percentage once again to allocate work if there is a need of the service.

A number of allocation of sites may not necessarily be the same, it will depend on the lowest markup percentage and availability of sites.

The Department cannot determine the amount of work upfront and the allocation of work is not guaranteed.



No allocation of work will be done until the bidder fulfill all requirements as stipulated in the bid document.

In the event the bidder fails to fulfill all the requirements or fails to submit the required documents as stipulated on administrative criteria and/or terms of reference within maximum of 21 calendar days, such bidder will be disqualified from participating from the panel.

The Department reserves the right to allocate a site anywhere in the boundaries of the Western Cape and may be rotated at any time deemed necessarily.

#### **4. SCOPE OF WORK**

The successful bidders appointed onto the panel will be responsible to render security services at DPW&I occupied or unoccupied state properties and vacant land as follows:

- 4.1 Safeguard DPW&I occupied or unoccupied state properties and vacant land 24/7, including weekends and public holidays.
- 4.2 The turnaround time to place guards on the identified site is within 24 hours from request or shorter in the case of emergencies.
- 4.3 Perform access and egress control after hours, on weekends and public holidays
- 4.4 Patrol around internal and external the DPW&I premises.
- 4.5 Conduct safety and security inspections inside and outside the DPW&I properties and vacant land.
- 4.6 Assist during emergency situations as and when the need arises.
- 4.7 Report any incident or irregularities to the department
- 4.8 Ensure access control through searching of persons, vehicles and goods, monitoring movement of people
- 4.9 Compile a technical site report on a weekly basis submit to Security Manager



## 5. FURTHER MORE, SECURITY GUARDS & SUPERVISORS: SUCCESSFUL BIDDER

- 5.1 Possess good communication, reading and writing skills in English, and 1 other official language
- 5.2 Security guards must have sober habits and portray a professional attitude at all the times.
- 5.3 Supervisors and security guards shall comply with the functions and duties as per the bid requirements.
- 5.4 Security guards must at least possess **grade 10** as a minimum of qualification and valid **PSIRA Grade C** certificate
- 5.5 Team leader must at least possess **grade 12, PSIRA Grade B** certificate and a valid driver's license code 08 or 10
- 5.6 Service providers prohibited to employ foreign nationals, only South Africans will accepted on DPWI sites
- 5.7 Team leader must post guards in correct uniform and supply the correct equipment as stipulated in the bid document
- 5.8 Team must conduct site visits per shift and sign OB as proof of site visit, in the event the team leader fails to visit sites, the Department reserves the right to pro-rata the invoice
- 5.9 Use of incorrect uniform is prohibited
- 5.10 DPWI Representatives may visit the site at any time and should non-compliance be found, such will be escalated to the management

## 6. SECURITY CLEARANCE

- 6.1 The successful bidders will be subject to a positive security clearance obtained from the State Security Agency (SSA), **if the results are negative the bidder will not be part of the panel.** (And service provider will be disqualified)

## 7. WORKING SHIFTS

Working shifts will commence as follows:

Dayshift (06:00 to 18:00) and nightshift (18:00 to 06:00); Mondays to Sundays and public holidays.



**8. The successful bidders must ensure that security guards are equipped with the following service aids:**

- a) Portable hand held radio per point with earpieces for all security guards (radios must be programmed to contractors' frequency)
- b) Full uniform and dress standard, jacket, shirt, pants, company PSIRA name tags, pull over jerseys and appropriate shoes
- c) Patrol vehicle (where applicable)
- d) Torches
- e) Occurrence book
- f) Pocket Books and pens( black and red)
- g) Hand cuffs
- h) Hand held metal detectors
- i) Fire-fighting equipment
- j) Whistle
- k) Guard House
- l) Dogs (where applicable)
- m) Generators and ablution facilities (where applicable)

**9. STATUTORY DOCUMENTS REQUIRED AND MUST BE SUBMITTED WITH THE TENDER DOCUMENT FOR EVALUATION PURPOSES, FAILURE TO COMPLY WITH THE FOLLOWING WILL RESULTS TO ELIMINATION:**

- 9.1 Copy of valid PSIRA company registration certificate.
- 9.2 Copy of valid PSIRA Grade A/B certificates for Director/s.
- 9.3 Copy of valid PSIRA Letter of Good Standing
- 9.4 Copy of valid COIDA Letter of Good Standing from Department of Labour.

**10. STATUTORY DOCUMENTS REQUIRED AND MUST BE SUBMITTED BY SUCCESSFUL BIDDERS. THERE WILL BE NO ALLOCATION OF WORK UNTIL A BIDDER COMPLIES WITH THE FOLLOWING:**

- 10.1 Copy of valid Letter of Good Standing from UIF, if not yet registered the company will be given a **period of 7 (Seven) calendar days to register and submit to the Department.**
- 10.2 Copy of Bargaining Council Health Insurance, if not yet registered the company will be given a **period of 7 calendar days to register and submit to the Department.**
- 10.3 Copy of Bargaining Council Medical Aid Allowance, if not yet registered the company will be given a **period of 7 calendar days to register and submit to the Department.**
- 10.4 Proof of provident fund if not yet registered the company will be given a **period of 7 calendar days to register and submit to the Department.**



10.5 Proof of Public Liability for an amount of R2 million if not yet registered the company will be given a **period of 21 calendar days to register and submit to the Department.**

10.6 Copy of valid Letter of Good Standing the National Bargaining Council for the Private Security Sector, if not yet registered the company will be given a **period of 21 calendar days to register and submit to the Department.**

**NB: Failure to compliance with the above conditions and/or requirements will automatically invalidate your bid and will not be considered for further evaluation.**

## **11. SITE PROCEDURES MANUAL (Structural Plan)**

The successful bidders will be required to submit a detailed site procedures manual within 7 days after appointment that *inter alia* address the following:

11.1 How security guards will be monitored and managed on a 24/7 basis depending the departmental structural plan

11.2. How rapid reactions to alerts by security guard/s will be executed in terms of capacity and other relevant security structures.

## **12. OTHER CONDITIONS OF BID**

### **MINIMUM SPECIFICATION**

This specification is only minimum. Any shortcomings in the specifications should be pointed out in writings via email or be pointed out in the compulsory site briefing.

Any additional costs incurred by the service provider because of shortcomings in the bid specification will be for the service provider's own account.

### **COMPLIANCE**

Failure to provide sufficient information may disqualify the bidder. Any condition imposed by the bidder that is restrictive or contrary to any part of this bid will automatically disqualify the bidder

### **CLARIFICATION**

The Department may request clarification or further information regarding any critical aspect of the bid. The bidder must supply the requested information within seven (07) calendar however, where practical within 72 hours after the request has been made otherwise the bidder may be disqualified if it fails to submit the required information after maximum of seven (07) calendar days.



## **ACCESS CONTROL SYSTEM (IF ANY)**

The security personnel must be able to control ingress (Entrance) and egress (Exit) point (if any).

If any suspicious activities are depicted in any other manner, it should be reported to the Security Manager and noted in the occurrence book immediately.

The information on the access control system must be recorded by the security staff and made available to the client for consolidating the site report and storage in line with the Archive prescripts.

As part of access control security guards must open and close the access gates of the building.

Access to the premises must be strictly controlled by the security guards.

## **LOST ARTICLES:**

**DEFINITION:** Lost articles are articles found on the premises and for which ownership cannot be established immediately.

All lost articles must be recorded in the occurrence book, after which they must be handed to the Security Manager immediately.

## **DELIVERIES/ DESPATCHING**

No deliveries by any person will be received by security staff on behalf of the Department. No dispatching by any person will be done by security staff on behalf of the Department.

## **LABOUR UNREST INCIDENTS:**

**DEFINITION:** When the Department's personnel on the site or the security personnel engage in illicit personnel practices such as strikes, unrest and intimidation.

## **LABOUR UNREST AT THE SITE**

If the service is interrupted or temporarily deferred because of any labour unrest, labour dispute, civilian disorder, a local or national disaster or any other cause beyond the control of the contractor, the parties must come to an agreement on the methods to ensure continuation of the security service.

## **INDUSTRIAL RELATIONS**

Ensure that all problems experienced by security officers on site including labour disputes are resolved amicably.

Adhere to the provisions relating to salaries, wages and remuneration as envisaged in the Basic Conditions of Employment Act and the Bargaining Council.

Security guards must ensure order during strikes/lock-outs.



## EVALUATION OF SERVICE

The Department reserves the right to evaluate the conduct, behaviour and performance on site, should it be deemed necessary.

Evaluation of service shall be done by DPWI representative on the site as well as by the service provider as when the need arises.

The Department reserves the right to evaluate the service rendered by the service provider at any time, in order to ensure that the services are rendered in accordance with the conditions of the contract and site specification.

The Department reserves the right to require from the service provider that any of his/her employees be replaced, in which case the employee must leave the site forthwith.

- a. The Department will not be held responsible for any damage or claims, which may arise because of this and is indemnified against any such claims and legal expenses.

**NOTE:** The Departmental representative will have the right to check daily, whether sufficient personnel are available on site in terms of the conditions.

All personnel shortages must be noted down in the occurrence book.

## LIABILITY

The service provider hereby indemnifies the Client against all legal liability with regard to any claims that may arise as a result of a breach of contract or negligence on the part of the service provider in respect of its obligations in terms of this Agreement.

The service provider will be held liable for any damages or loss suffered by the Department, as a result of the contractor's own employees' negligence or intent, which originated on the site.

The Department shall not be liable for any loss or damage of any nature to any of the Service providers' properties or any items kept at the Department's sites, even in cases where the loss originated as a result of negligence or intent on the part of the department.

The Department and other beneficiaries shall not bring any claim personally against any individual employed by or providing services on behalf of the contractor but only against the contractor in respect of loss or damage suffered by the Department or by other beneficiaries arising out of or in connection with the services. This restriction shall not operate to limit or exclude the liability of the contractor as a company for the acts or omissions of its, directors, employees and agents. Any claim from the Department or other beneficiaries must be made (for these purposes a claim shall be made when court or other dispute resolution proceedings are commenced) within three years of the date on which the Department became aware, or ought reasonably to have become aware, of circumstances giving rise to a claim or potential claim against the contractor.



## **INDEMNIFICATION**

The service provider hereby indemnifies the Department against any liability which the Department may incur as a result of any claim against the Department by any third party in respect of personal loss, death, injury or damage directly arising from any wilful or negligent acts or omissions by the service provider, its employees, agents or independent contractors in performing its obligations under this Agreement

## **OCCUPATIONAL HEALTH AND SAFETY**

The service provider must comply with occupational Health and Safety Regulations

## **CONTINGENCY AND CRISIS MANAGEMENT PLAN**

A Contingency and Crisis Management plan must be in place and available on request

## **DAMAGE OR DESTRUCTION**

The Department will not be held liable for any damage to or destruction of any equipment or property of the contractor during the execution of their duties.

## **PUBLIC LIABILITY**

The Department will not be liable for any claims and legal costs which might ensue from the failure by or acts committed by the security personnel against third persons, which act include illicit frisking, illicit arrest and other illicit or wrongful deeds.

## **INSURANCE**

The service provider must, at his/her own expenses, take out sufficient insurance against any claims, costs, loss and/or damage following from his/her obligations and shall ensure that such insurance remains operative for the duration of this agreement.

A copy of such insurance contract must be handed to the Departmental representative on commencement of the service.

Evidence that such insurance premiums have indeed been paid, must be furnished on request.

## **USE OF STATE ASSETS**

The service provider may not, unless otherwise specified, make use of any of the State's equipment aids and/or property, for purposes of compliance with the conditions, which equipment, aids and/or property include *inter alia* stationery, rooms and furniture unless designated by the Department.

## **TRADING**

Under no circumstances is security personnel allowed to carry on any trading.

## **DISPLAYS**

The service provider shall not erect or display any sign, printed matter, painting, name plates, advertisement, and article or object of any nature whatsoever in, or against the State buildings or sites or any part thereof without written consent.

The service provider shall not publicly display at the site any article or object which might be regarded as objectionable or undesirable. Any sign, printed matter, painting, name plate, advertisement, article or object displayed without written consent or which is regarded as objectionable or undesirable will immediately be removed. The service provider shall be held responsible for the costs of such removal and for damages or claims which might be incurred.

## **PRO-RATA DECREASE OF PAYMENT:**

If at any time the service is not rendered in accordance with the conditions of contract or the specification (for example number of guards are incomplete), the Department reserve the right to adjust payment pro-rata.

Similarly, no departure from or breach of or failure to comply with any of the conditions shall be deemed to be a condonation, waiving or ratification of such departure, breach or failure to comply, unless such condonation, waiving or non-fulfilment has been agreed to in writing, through the Departmental Bid Committee.

## **TERMINATION OF SERVICE:**

The stipulations of the Service Level Agreement (SLA) apply in particular to cases of any failure to comply with any of the conditions of contract, or where an unsatisfactory service is rendered.

The successful Bidder/s must take note that the contract will be terminated if a trend of poor performance is observed or non-compliance with bid specification during execution of the contract. (See terms and conditions of service level agreement).

The service provider shall be terminated immediately should the contractor no longer qualify as security service provider in terms of the PSIRA, (Act 56 of 2001).

The service provider must notify the Department immediately should he/she or any member of his/her security personnel no longer meet the qualifications or conditions of the PSIRA, (Act 56 of 2001).

The service provider must immediately remove from the site and replace any of his/her employees who no longer qualify as security officers in terms of the PSIRA, (Act 56 of 2001).



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 in a group structure and such a consolidated B-BBEE scorecard is prepared for every separate bid. The B-BBEE certificate must be issued by the SANAS accredited verification Agency.

### **AMENDMENT IN CONTRACT**

Any amendment or waiving of the stipulations of the contract must occur in writing by mutual consent through the Departmental Bid Committee.

### **TRANSFER OF CONTRACT**

Should the service provider alienate his/her rights and liabilities in terms of this contract, he/she must notify the Department immediately so that the necessary steps for the transfer of the contract can be taken

### **EVALUATION ON COMPLIANCE WITH BID CONDITIONS**

After passing pre-qualification stage, bidders will be evaluated on compliance with bid before functionality and PPPFA 2017.

**Signature of Bidder:** .....

**Date:**.....

### **SPECIAL CONDITIONS**

1. Submission of valid copy of the following documents:

- PSIRA company registration certificate.
- PSIRA Grade A/B certificates for Director/s.
- PSIRA Letter of Good Standing
- COIDA Letter of Good Standing from Department of Labour.
- Certificate of registration issued by the National Bargaining Council for the Private Security Sector , if not yet registered the company will be given a **period of 21 calendar days to register and submit to the Department. OR**
- In the event the bidder has already obtained the letter of Good Standing issue by the National Bargaining Council for the Private Security Sector, such bidder may submit it with the tender document

2. Bidders must have an active registration with Private Security Industry Regulatory Authority (PSIRA) and need to submit a copy of their PSIRA Registration certificate with the bid document.



3. Bidders must submit proof of valid Public Liability Insurance of at least not less than R2 000 000.00 (The successful bidder will be given 21 calendar days to submit if not yet registered and submit to the department).
4. Bidders must be a legal entity or partnership. In the event of a consortia/joint ventures a signed agreement by all parties must be submitted with the bid. Also see notes to the "Authority to Sign".
5. Successful bidders will be given the work ranking from the lowest offer in terms of percentage offered (as and when the need arises) before going to the next bidder.
6. The Department reserves the right to rotate the bidders at any time deemed necessary and may not guarantee bidders for allocation of work.
7. The Department will conduct site inspection to confirm existence of the Service Provider's operational Office 24 Hour Operational Control Room and other Security infrastructure in the Western Cape.
8. The service providers are required to submit the following documents for their employees before or on the day of deployment:
  - ID Copies of employees
  - Set of fingerprints results
  - PSIRA certificate
9. The safeguarding of state properties in the Western Cape that falls within the DPWI mandate including construction sites that are abandoned during the contract period



## PRICE SCHEDULE

Bidders will be required to adhere to the National Bargaining Council rates effective from 1 September 2022 until 31 March 2023. Thereafter the revised National Bargaining Council rates, if any, will apply until the end of the contract.

Bidders will be compensated based on the National Bargaining Council rates for Private Security sector (Area 1 and Area 2 for Urban). Bidders must price Grade B for supervisor or team leader and Grade C security guard and are required to price for share of overheads and mark-up percentage as indicated hereunder. Bidders must complete the Pricing schedule in full, failure will result to elimination. Only VAT vendors are eligible to price for VAT at 15%.

	Grade B (Supervisor) Per month	Grade C (Security Guard) Per month
<b>TOTAL DIRECT COST AS PER NATIONAL BARGAINING COUNCIL FOR PRIVATE SECURITY SECTOR (Use line B) Failure to use this line will result to the bid disqualified</b>	R	R
SHARE OF OVERHEADS ( _____ % )	R	R
MARK- UP PERCENTAGE ( _____ % )	R	R
VAT at 15% if VAT vendor (Vendor Number must be Provided)	R	R
TOTAL COST PER MONTH	R	R
<b>GRAND TOTAL PER MONTH</b> (Combine total cost per month for Grade B and Grade C and transfer it to PA 32 as total bid offer)	R	

**NB: Grand Total per month must be transferred to PA 32: Invitation to Bid Part B as Total Bid Price, failure to do so will invalidate the bid for further evaluation. For VAT vendors, it is mandatory to include VAT in their bid price. Furthermore, bidders must not calculate grand total for the duration of the contract, this is a panel.**

The bidder must invoice the Department accordingly. The Department reserves the right to negotiate with the bidder (The mark up percentage or overheads). No additional costs will be accepted for whatever reason except increase or decrease in VAT or escalation of rates as per National Bargaining Council rates for Private Security sector.

**The Department reserves the right to negotiate bidders with bidders who are excessively high in their offers including overheads and profit.**

SIGNED: \_\_\_\_\_

NAME OF SERVICE PROVIDER: \_\_\_\_\_ DATE \_\_\_\_\_

**It is mandatory to quote using Line B of the illustrative Pricing Guide issued by the National Bargaining Council for the Private Security Sector, failure to do so will result to disqualification.**