



## AMAZWI SOUTH AFRICAN MUSEUM OF LITERATURE

**APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF THE COMPANY SECRETARIAT SERVICES TO THE COUNCIL FOR THE PERIOD OF THREE (3 YEARS), SUBJECT TO SATISFACTORY ANNUAL PERFORMANCE REVIEWS**

**BID NO. AM:002/2023-24**

Consisting of:  
The Bid (Returnable) This document

NAME OF BIDDER: .....

OFFER:.....

## TENDER NOTICE

### A. BID INVITATION

Bids are hereby invited for tender:

Project title:	APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF THE COMPANY SECRETARIAT SERVICES TO THE COUNCIL FOR THE PERIOD OF THREE (3 YEARS), SUBJECT TO SATISFACTORY ANNUAL PERFORMANCE REVIEWS		
Bid No:	AM:002/2023-24	Closing date:	11 August 2023
Closing time:	11:00	Validity period:	120 Days

Tender documents will be available on National Treasury's tender portal (<http://www.etenders.gov.za>) from 21 July 2023.

### B. BID EVALUATION

This bid will be evaluated in a three (3) phase process as follows:

Phase One: Compliance, responsiveness to the bid rules and conditions, thereafter

Phase Two: Functionality – tenderers are required to score a minimum of 60% for functionality to be evaluated for price and preference, thereafter

Phase Three: Bidders passing stage two above will thereafter be evaluated for price and preference.

### PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT (PPPFA) POINTS WILL BE AWARDED AS FOLLOWS:

Maximum points on price	- 80 points
Maximum points for specific goals	- 20 points
Maximum points	- 100 points

### C. BID SPECIFICATIONS, CONDITIONS AND RULES

The minimum specifications and other bid conditions and rules are detailed in the bid document.

### D. TENDER SUBMISSIONS

Completed tender documents in a sealed envelope endorsed "BID NO. AM:002/2023-24: APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF THE COMPANY SECRETARIAT SERVICES TO THE COUNCIL FOR THE PERIOD OF THREE (3 YEARS), SUBJECT TO SATISFACTORY ANNUAL PERFORMANCE REVIEWS" are to be delivered to offices of Amazwi South African Museum of Literature, 25A Worcester Street, Makhanda, 6139 not later than 11:00 on Friday, 11 August 2023, when tenders will be opened in public.

### E. ENQUIRIES:

Enquiries with regard to this bid document may be directed to: [scm@amazwi.museum](mailto:scm@amazwi.museum)

## SECTION 1

SBD 1

### PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF AMAZWI SOUTH AFRICAN MUSEUM OF LITERATURE</b>					
BID NUMBER:	AM:002/2023-24	CLOSING DATE:	11 August 2023	CLOSING TIME:	11:00
ISSUE DATE:	21 July 2023				
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF THE COMPANY SECRETARIAT SERVICES TO THE COUNCIL FOR THE PERIOD OF THREE (3 YEARS), SUBJECT TO SATISFACTORY ANNUAL PERFORMANCE REVIEWS				
<b>BID RESPONSE DOCUMENTS SHALL BE ADDRESSED AS FOLLOWS:</b>					
Emailed to: <a href="mailto:scm@amazwi.museum">scm@amazwi.museum</a>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>					
CONTACT PERSON	Lumka Majavu				
TELEPHONE NUMBER	046 622 7042				
E-MAIL ADDRESS	<a href="mailto:scm@amazwi.museum">scm@amazwi.museum</a>				
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA.....
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs), LETTER FROM THE DOCTOR IN CASES OF PEOPLE WITH DISABILITY AS WELL AS THE PROOF OF MUNICIPAL ACCOUNT OR LEASE AGREEMENT MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR SPECIFIC GOALS]</b>					

2.1 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]	2.2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE <b>GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
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### QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO  
 DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO  
 DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO  
 DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO  
 IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO  
**IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.**

### PART B: TERMS AND CONDITIONS FOR BIDDING

#### 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. BIDS MUST BE DELIVERED TO THE OFFICE OF AMAZWI SOUTH AFRICAN MUSEUM OF LITERATURE, 25A WORCESTER STREET, MAKHANDA, 6139 NOT LATER THAN 11:00 ON FRIDAY, 11 AUGUST 2023, WHEN TENDERS WILL BE OPENED IN PUBLIC. (PLEASE NOTE THAT NO E-MAIL SUBMISSIONS WILL NOT BE ACCEPTED).
- 1.3. BID DOCUMENTS ARE FREE OF CHARGE.
- 1.4. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED – (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.5. 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.
- 1.6. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD 7).**

#### 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](http://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: .....

**Bidders are invited to submit clarifying questions to the following email address: [scm@amazwi.museum](mailto:scm@amazwi.museum)**

## **SECTION 2**

### **NOTICE TO BIDDERS**

#### **1. RESPONSES TO BID**

Responses to this BID must not include documents or reference relating to any other BID or proposal. Any additional conditions must be embodied in an accompanying letter.

Proposals must reach the AMAZWI MUSEUM before the closing hour on the date shown on SBD1 above and must be enclosed in a sealed envelope.

#### **2. PREQUALIFICATION / ELIGIBILITY CRITERIA**

- 2.1 Only those Respondents who satisfy the following pre-qualification or eligibility criteria are eligible to submit BIDs as per section 3.

#### **3. COMMUNICATION**

Respondent/s are warned that a response will be liable for disqualification should any attempt be made either directly or indirectly to canvass any SCM Officer(s) or AMAZWI MUSEUM employee in respect of this BID between the closing date and the date of the award of the business.

#### **4. LEGAL COMPLIANCE**

The successful Respondent shall be in full and complete compliance with any and all applicable national and local laws and regulations.

#### **5. CHANGES TO BIDS**

Changes by the Respondent to its submission will not be considered after the closing date and time.

#### **6. PRICING**

All prices must be quoted in South African Rand on a fixed price basis, including VAT.

#### **7. BINDING OFFER**

Any Quotation furnished pursuant to this Request shall be deemed to be an offer. Any exceptions to this statement must be clearly and specifically indicated.

## **8 DISCLAIMERS**

AMAZWI MUSEUM is not committed to any course of action as a result of its issuance of this BID and/or its receipt of a BID in response to it. Please note that AMAZWI MUSEUM reserves the right to:

- Modify the BID's goods / service(s) and request Respondents to re-bid on any changes;
  - Reject any BID which does not conform to instructions and specifications which are detailed herein;
  - Disqualify BIDs submitted after the stated submission deadline;
  - Not necessarily accept the lowest priced BID or an alternative bid;
  - Bids lodged at the incorrect venue that reach the correct venue late will be regarded as late.
  - Reject all BIDs, if it so decides;
  - Place an order in connection with this BID at any time after the BID's closing date;
  - Make no award at all.
  - Award only a portion of the proposed goods / service/s which are reflected in the scope of this BID;
  - split the award of the order/s between more than one Supplier/Service Provider should it at AMAZWI MUSEUM 's discretion be more advantageous in terms of, amongst others, cost or developmental consideration:
- or

Should a contract be awarded on the strength of information furnished by the Respondent, which after conclusion of the contract, is proved to have been incorrect, AMAZWI MUSEUM reserves the right to cancel the contract. AMAZWI MUSEUM reserves the right to award business to the highest scoring bidder/s unless objective criteria justify the award to another Respondent.

Should the preferred fail to sign or commence with the contract within a reasonable period after being requested to do so, AMAZWI MUSEUM reserves the right to award the business to the next highest ranked Respondent provided that he/she is still prepared to provide the required goods at the quoted price.

## **9 LEGAL REVIEW**

A Proposal submitted by a Respondent will be subjected to review and acceptance or rejection of its proposed contractual terms and conditions by AMAZWI MUSEUM's Legal Counsel, prior to consideration for an award of business.

## **10 NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE**

Respondents are required to self-register on National Treasury's Central Supplier Database (CSD) which has been established to centrally administer supplier information for all organs of state and facilitate the verification of certain key supplier information. AMAZWI MUSEUM is required to ensure that price quotations are invited and accepted from prospective bidders listed on the CSD. Business may not be awarded to a respondent who has

failed to register on the CSD. Only foreign suppliers with no local registered entity need not register on the CSD. The CSD can be accessed at <https://secure.csd.gov.za/>.

## 11 PROTECTION OF PERSONAL DATA

In responding to this bid, AMAZWI MUSEUM acknowledges that it may obtain and have access to personal data of the Respondents. AMAZWI MUSEUM agrees that it shall only process the information disclosed by Respondents in their response to this bid for the purpose of evaluating and subsequent award of business and in accordance with any applicable law.

Furthermore, AMAZWI MUSEUM will not otherwise modify, amend or alter any personal data submitted by Respondents or disclose or permit the disclosure of any personal data to any Third Party without the prior written consent from the Respondents. Similarly, AMAZWI MUSEUM requires Respondents to process any personal information disclosed by AMAZWI MUSEUM in the bidding process in the same manner.

## 12 EVALUATION METHODOLOGY

AMAZWI MUSEUM will utilise the criteria as per section 3.

## 13 ADMINISTRATIVE RESPONSIVENESS

The test for administrative responsiveness will include completeness of response and whether all returnable and/or required documents, certificates; verify completeness of warranties and other bid requirements and formalities have been complied with. Incomplete Bids will be disqualified.

## 14 VALIDITY PERIOD

14.1 AMAZWI MUSEUM requires a validity period of 120 **days Business Days** from the closing date.

14.2 Respondents are to note that they may be requested to extend the validity period of their response, on the same terms and conditions, if the internal processes are not finalized within the validity period. However, once the adjudication body has approved the process and award of the business to the successful respondent(s), the validity of the successful respondent(s)' response will be deemed to remain valid until a final contract has been concluded.

## 15 RETURNABLE DOCUMENTS

**Returnable Documents** means all the documents, Sections and Annexures, as listed in the tables below. There are three types of returnable documents as indicated below and Respondents are urged to ensure that these documents are returned with the BID based on the consequences of non-submission as indicated below:

## 16 MANDATORY RETURNABLE DOCUMENTS

Failure to provide all these Mandatory Returnable Documents at the Closing Date and time of this BID will result in a Respondent's disqualification. Respondents are therefore urged to ensure that all these Documents are returned with their BIDs.



## **17 PURPOSE**

The purpose of this BID is to invite professional service providers to submit a quotation for the provision of Council Secretariat Services for the period of three (3) years), subject to satisfactory annual performance reviews.

## **18 BACKGROUND**

Amazwi South African Museum of Literature (AMAZWI MUSEUM) is a schedule 3A public entity, established in terms of the Cultural Institutions Act, Act No. 119 of 1998, under the control of a Council appointed by the Minister of Sport, Arts and Culture. As a public entity, AMAZWI MUSEUM is also governed by the Public Finance Management Act, Act 1 of 1999 (as amended by Act 29 of 1999) (PFMA), and it is listed as Schedule 3 Part A: public entities.

As a PFMA listed institution, AMAZWI MUSEUM is required to comply with section 55(1)(b) which requires that the accounting authority for a public entity must prepare financial statements for each financial year in accordance with generally accepted accounting practice (GRAP) standards issued by the Accounting Standards Board.

## **19 SCOPE OF WORK**

The purpose of this specification is to provide guidance in terms of the minimum compliance requirements that shall be guaranteed and adhered to for the provision of the company secretariat services in line with the legislative framework, professional standards and best practices.

The preferred service provider is a company with experience and sound knowledge of the PFMA as amended and Treasury Regulations in relation to Public Entities, the Cultural Institutions Act (Act No. 119 of 1998) and other applicable legislation. The preferred service provider should have practical experience in the rendering of company secretariat services.

- To be accountable to the AMAZWI MUSEUM'S Council for the fulfillment of its functions.
- To apprise the Council members in terms of any laws relevant to or affecting public entities that the AMAZWI MUSEUM must comply with.
- To ensure that the Council and Sub-committee charters and terms of reference are kept up to date.
- To ensure that the proceedings of Council and Sub-committee meetings are properly recorded, and minutes of the meetings are properly recorded and are timely circulated to Council members.
- Compilation and circulation of Council and Sub-committee packs in preparation for all meetings.
- In consultation with the Chairperson and Director, prepare meetings agendas.
- Record minutes during meetings and compile action list items.
- Ensure that Council resolutions are accurately recorded and develop a Resolution Register.
- Circulating meeting resolutions and action lists and following up on completion of action items.
- Ensure that all meetings have a quorum.
- Ensure that members declare their interest.
- Oversee overall company-wide legislative compliance requirements (PFMA, King IV, etc.) and reports on compliance /non-compliance to the Council and Stakeholders as required. To act as a compliance officer.
- Manage compliance with the PFMA, Council and Sub-committee Charters in relation to meetings and documentation.
- Provide input on amendments to organizational policies and procedures.
- Advise Council members of new industry developments.
- Render any other statutory services as may be requested by Council members and the Director of the AMAZWI MUSEUM.

- To provide legal opinions to the Council upon request.
- To provide legal services to the Council, this includes amongst others, ensuring representation of Council in CCMA, tribunals, Labour Court, High Court, Labour Appeal Court, Supreme Court of Appeal and Constitutional Court
- To provide Council with the litigation register of all cases of the AMAZWI MUSEUM.
- Monitor the budget of the Council and Sub-committees continuously in consultation with the Council Chairperson.
- Provide legal and contract advisory services to AMAZWI MUSEUM.

### SECTION 3

#### 1 VALUATION CRITERIA:

Adherence to Prequalification requirements and Compliance checklist

**NB:** Compliance Checklist Requirements **for all Services/Goods and works**

**Only Respondents who satisfy the following Pre-Qualification Criteria will be considered for next stage of the evaluation:**

No.	Description of requirement	
a)	Proof of registration and membership with the professional body. (members' attorney admission certificate or Institute of Chartered Secretaries Administrators (ICSA) membership or registration.	
b)	Proof of 4 successful projects references indicating experience in providing company secretariat services, on the client's letterhead signed by the authorized personnel. (References must be contactable)	
c)	Details of appropriate competence, skills and expertise within your organization required for the execution of this contract. Detailed and current CV's of key personnel that will be assigned to the project, including defined roles and responsibilities. The CV's must include details of expertise and experience related to understanding the functions and operations of museums or public entities. The CV's should be supported with proof of qualifications	
d)	Provide an indemnity insurance of a contract award value with 10% mark-up	
e)	Company Registration Documents	
f)	Copies of Directors' ID documents;	
g)	Valid BBBEE Certificate from a SANAS accredited rating agency (Original or Certified) or affidavit signed by the Commissioner of Oath	
h)	Letter from the doctor for People with Disabilities	
i)	Municipal account registered in the name of the tenderer; or A valid lease agreement; or An affidavit from the property owner that the address used to claim points in the SBD 6.1 is being rented out to the tenderer at no cost.	
j)	Valid Tax Clearance Certificate (must be valid on closing date of submission of the proposal) and SARS Issued Pin	
k)	CSD report / CSD reference number	

If you do not submit the following mandatory documents your Proposal/Bid will be disqualified automatically:

No.	Description of requirement	
a)	Price Schedule / Pricing form	
b)	Completion of ALL BID declarations	
c)	Joint Venture / Consortium agreement / Trust Deed (if applicable)	

The following documents are non-mandatory and where not submitted, AMAZWI MUSEUM may request the documents and must be made available at the time of request:

No.	Description of requirement	
a)	Proof of UIF registration	
b)	Proof of Bank Account (i.e. cancelled cheque or letter issued by the bank	
c)	Valid and Original, or certified copy of Letter of Good Standing (COIDA)	

## 2 PRICE AND SPECIFIC GOALS

Evaluation criteria	Weighting
Specific goals	20
Price	80
<b>TOTAL</b>	<b>100</b>

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

Where:

$P_s$  = Score for the Bid under consideration

$P_t$  = Price of Bid under consideration

$P_{min}$  = Price of lowest acceptable Bid

### Evaluation of Preference

Evaluation and final weighted scoring

- Preference Points will be awarded to a bidder for attaining the points in accordance with the table indicated in [Section 7 Specific Goals claim form](#).
- Locality: Municipal account registered in the name of the tenderer; or a valid lease agreement; or an affidavit from the property owner that the address used to claim points in the SBD 6.1 is being rented out to the tenderer at no cost.

### 3 FUNCTIONALITY CRITERIA

The below criteria is used to establish the minimum requirements. A tenderer scoring below 60 points for functionality will be considered as **DISQUALIFIED** and discarded from further evaluation.

Functionality Criteria	Max. no of points
1. Relevant company secretariat services experience	40
2. References from clients	20
3. Technical capability	40
<b>Total</b>	<b>100 Points</b>

<b>Minimum functionality score to qualify for further evaluation</b>	<b>60 Points</b>
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The prompt for judgement and the associated scores used in the evaluation of functionality shall be as follows:

Score (Points)	Prompt for judgement
0	Failed to address the questions / issues.
20	A detrimental response - answer / solution, limited or poor evidence of skill / experience sought or high risk that relevant skills will not be available.
40	Less than acceptable - response / answer / solution lacks convincing evidence of skill / experience sought or medium risk that relevant skills will not be available.
60	Acceptable response – answer / solution to the particular aspect of the requirements and evidence given of skill / experience sought are convincing.
80	Above acceptable – response / answer / solution demonstrating real understanding of requirements and evidence of ability to meet it.
100	Excellent – response / answer / solution gives real confidence that the bidder will add real value.

The scores of each of the evaluators will be averaged, weighted and then totaled to obtain the final score for functionality.

No	Criteria	Evaluation Indicators	Applicable Value
<b>1</b>	<b>Relevant secretariat services experience</b>		
Provide a descriptive list of all completed projects.  NOTE: A portfolio of similar company secretariat services projects & project value to indicate key competencies requested	No information submitted		0
	1 company secretariat services project at 100% completed		10
	2 company secretariat services project at 100% completed		20
	3 company secretariat services project at 100% completed		30

above must be submitted together with other requested information.	4 company secretariat services project at 100% completed	40
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**The portfolio must contain the following information:**

- 1. Name of project,**
- 2. Client information,**
- 3. Description of the project**
- 4. The value of the project**

No	Criteria	Evaluation Indicators	Applicable Value
<b>2</b>	<b>References from clients</b>		
A maximum of 4 reference letters from clients confirming your company's involvement, level of service and contact details for similar company secretariat services projects and project value must be submitted.	No reference letters		0
	1 reference letter from clients for completed company secretariat services projects		5
	2 reference letters from clients for completed company secretariat services projects		10
	3 reference letters from clients for completed company secretariat services projects		15
	4 or more reference letters clients for completed company secretariat services projects		20

**References must not be older than 3 years**

**Each reference will be verified**

**Each reference letter will be evaluated on its own scoring a possible maximum of 5 points per letter.**

No	Criteria	Evaluation Indicators	Applicable Value
<b>3</b>	<b>Technical capability</b>		
Provide CVs and recently certified copies (not older than 3 months) of qualifications of key persons and details of the company's leadership and in-house capacity for contract administration you intend to mobilize on this project.	No information submitted		0
	Project Manager with a minimum of five (5) years' relevant experience. Attach certified copy of qualification.		30
	Project Manager with a minimum of four (4) years' relevant experience. Attach certified copy of qualification.		25
	Project Manager with a minimum of three (3) years' relevant experience. Attach certified copy of qualification.		20
	Other key personnel to be assigned to this project with tertiary qualification and two (2) years relevant practical experience		10

## SECTION 4

**SBD 3**

### PRICING AND DELIVERY SCHEDULE

Respondents are required to complete the attached Pricing Schedule.

- Prices must be quoted in South African Rand, inclusive of VAT.
- Price offer is firm and clearly indicate the basis thereof.
- Pricing Bill of Quantity is completed in line with schedule if applicable.
- Cost breakdown must be indicated.
- No Price escalation will be accepted.
- To facilitate like-for like comparison bidders must submit pricing strictly in accordance with this price schedule and not utilize a different format. Deviation from this pricing schedule could result in a bid being declared non-responsive.
- Please note that should you have offered a discounted price(s), AMAZWI MUSEUM will only consider such price discount(s) in the final evaluation stage on an unconditional basis.
- Respondents are to note that if price offered by the highest scoring bidder is not market related, AMAZWI MUSEUM may not award the contract to the Respondent. AMAZWI MUSEUM may:
  - negotiate a market-related price with the Respondent scoring the highest points or cancel the BID;
  - if that Respondent does not agree to a market-related price, negotiate a market-related price with the Respondent scoring the second highest points or cancel the BID;
  - If a market-related price is not agreed with the Respondent scoring the third highest points, AMAZWI MUSEUM must cancel the BID.
  - if the Respondent scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the Respondent scoring the third highest points or cancel the BID.

1. The accompanying information must be used for the formulation of proposals.

2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.

R.....

3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

4. PERSON AND POSITION

HOURLY RATE

DAILY RATE

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R-----

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-----

R-----

-----

-----	R-----	-----
-----	R-----	-----
-----	R-----	-----

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

-----	R-----	----- days
-----	R-----	----- days
-----	R-----	----- days
-----	R-----	----- days

5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
-----	.....	.....	R.....
-----	.....	.....	R.....
-----	.....	.....	R.....
-----	.....	.....	R.....
TOTAL: R.....			

\*\* "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
-----	.....	.....	R.....
-----	.....	.....	R.....
-----	.....	.....	R.....
-----	.....	.....	R.....
TOTAL: R.....			

6. Period required for commencement with project after acceptance of bid .....
7. Estimated man-days for completion of project .....
8. Are the rates quoted firm for the full period of contract? \*YES/NO
9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index. ....  
.....  
.....  
.....

DELIVERY PERIOD: Delivery will be required within 14 days from date of order unless unavailability of facilities can not meet this timeframe, then as soon as facilities are available to allow installation.



## SECTION 5

### AMAZWI MUSEUM GENERAL CONDITIONS OF PURCHASE

#### General

AMAZWI MUSEUM and the Supplier enter into an order/contract on these conditions to supply the items (goods/services/works) as described in the order/contract.

#### Conditions

These conditions form the basis of the contract between AMAZWI MUSEUM and the Supplier. Notwithstanding anything to the contrary in any document issued or sent by the Supplier, these conditions apply except as expressly agreed in writing by AMAZWI MUSEUM.

No servant or agent of AMAZWI MUSEUM has authority to vary these conditions orally. These general conditions of purchase are subject to such further special conditions as may be prescribed in writing by AMAZWI MUSEUM in the order/contract.

#### Price and payment

The Supplier will be paid in South African Rand only. Preferably, the matter of foreign currency transactions will not be entertained. Payment will be as quotation in South African Rand. AMAZWI MUSEUM pays for the item within 30 days of receipt of the Suppliers correct tax invoice.

#### Delivery and documents

The Supplier's obligation is to deliver the items on or before the date stated in the order/contract. Late deliveries or late completion of the items may be subject to a penalty if this is imposed in the order/contract. No payment is made if the Supplier does not provide the item as stated in order/contract.

Where items are to be delivered the Supplier:

Clearly marks the outside of each consignment or package with the Supplier's name and full details of the destination in accordance with the order and includes a packing note stating the contents thereof; On dispatch of each consignment, sends to AMAZWI MUSEUM at the address for delivery of the items, an advice note specifying the means of transport, weight, number of volume as appropriate and the point and date of dispatch; Sends to AMAZWI MUSEUM a detailed priced invoice as soon as is reasonably practical after dispatch of the items, and states on all communications in respect of the order the order number and code number (if any).

#### Containers / packing material

Unless otherwise stated in the order/contract, no payment is made for containers or packing materials or return to the Supplier.

#### Title and risk

Without prejudice to rights of rejection under these conditions, title to and risk in the items passes to AMAZWI MUSEUM when accepted by AMAZWI MUSEUM.

## **Rejection**

If the Supplier fails to comply with his obligations under the order/contract, AMAZWI MUSEUM may reject any part of the items by giving written notice to the Supplier specifying the reason for rejection and whether and within what period replacement of items or re-work are required.

In the case of items delivered, AMAZWI MUSEUM may return the rejected items to the Supplier at the Supplier's risk and expense. Any money paid to the Supplier in respect of the items not replaced within the time required, together with the costs of returning rejected items to the Supplier and obtaining replacement items from a third party, are paid by the Supplier to AMAZWI MUSEUM.

In the case of service, the Supplier corrects non-conformances as indicated by AMAZWI MUSEUM.

## **Warranty**

Without prejudice to any other rights of AMAZWI MUSEUM under these conditions, the Supplier warrants that the items are in accordance with AMAZWI MUSEUM's requirements and fit for the purpose for which they are intended and will remain free from defects for a period of one year (unless another period is stated in the Order) from acceptance of the items by AMAZWI MUSEUM.

## **Indemnity**

The Supplier indemnifies AMAZWI MUSEUM against all actions, suits, claims, demands, costs, charges, and expenses arising in connection therewith arising from the negligence, infringement of intellectual or legal rights or breach of statutory duty of the Supplier, his subcontractors, agents or servants, or from the Supplier's defective design, materials or workmanship.

The Supplier indemnifies AMAZWI MUSEUM against claims, proceedings, compensation, and costs payable arising out of infringement by the Supplier of the rights of others, except an infringement which arose out of the use by the Supplier of things provided by AMAZWI MUSEUM.

## **Assignment and sub-contracting**

The Supplier may not assign or subcontract any part of this order/contract without the written consent of AMAZWI MUSEUM.

## **Termination**

AMAZWI MUSEUM may terminate the order/contract at any time (without prejudice to any right of action or remedy which has accrued or thereafter accrues to AMAZWI MUSEUM):

If the Supplier defaults in due performance of the order/contract, or if the Supplier becomes bankrupt or otherwise is, in the opinion of AMAZWI MUSEUM, in such financial circumstances as to prejudice the proper performance of the order/contract, or for any other reason in which case the Supplier will be compensated for all costs incurred.

## **Governing law**

The order/contract is governed by the law of the Republic of South Africa and the parties hereby submit to the non-exclusive jurisdiction of the South African courts.

## SECTION 6

**SBD 4**

### DECLARATION OF INTEREST

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

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

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

2.1 Full Name of bidder or his or her representative: .....

2.2 Identity Number: .....

2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....

2.4 Company Registration Number: .....

2.5 Tax Reference Number: .....

2.6 VAT Registration Number: .....

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

<sup>1</sup>"State" means –

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

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

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

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: .....

Name of state institution at which you or the person  
connected to the bidder is employed : .....

Position occupied in the state institution: .....

Any other particulars:

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

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

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

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

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

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

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

2.8.1 If so, furnish particulars:

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

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

2.9.1 If so, furnish particulars.

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

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

2.10.1 If so, furnish particulars.

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

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

2.11.1 If so, furnish particulars:

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

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

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

## 4 DECLARATION

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

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

.....

Signature                      Date

.....	.....
Position	Name of bidder

## SECTION 7

### SBD 6.1

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

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

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

#### 1. GENERAL CONDITIONS

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

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

1.2 The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.

1.3 The **80/20** preference point system shall be applicable to this bid.

1.4 Preference points for this bid shall be awarded for:

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

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

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

1.5.1 Failure on the part of a bidder to submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System [**SANAS**], or a sworn affidavit confirming annual turnover and level of black ownership in case of all EMEs and QSEs with 51% black ownership or more together with the bid, will be interpreted to mean that preference points for ownership are not claimed.

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

## 2. DEFINITIONS

- 2.1 “**all applicable taxes**” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 “**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;
- 2.4 “**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;
- 2.5 “**Black designated group**” has meaning assigned to it in codes of good practice issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act.
- 2.6 “**Black People**” meaning assigned to in Section 1 of Broad-Based Black Economic Empowerment Act.
- 2.7 “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.8 “**CIPC**” means the Companies and Intellectual Property Commission, formerly known as CIPRO, the Companies and Intellectual Property Registration Office.
- 2.9 “**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;
- 2.10 “**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;
- 2.11 “**contract**” means the agreement that results from the acceptance of a bid by an organ of state;
- 2.12 “**co-operative**” means a co-operative registered in terms of section 7 of Cooperatives Act, 2005 (Act No. 14 of 2005)
- 2.13 “**Designated Group**” means - i) Black designated groups; ii) Black People; iii) Women; iv) people with disabilities or v) Small enterprise, as defined in Section 1 of National Small Enterprise Act, (102 of 1996)
- 2.14 “**Designated Sector**” means, sub-sector or industry or product designated in terms of regulation 8(1)(a)
- 2.15 “**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);
- 2.16 “**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;

- 2.17 **“functionality”** means the ability of a bidder to provide goods or services in accordance with specification as set out in the bid documents;
- 2.18 **“Military Veteran”** has meaning assigned to it in Section 1 of Military Veterans Act, 2011 (Act No. 18 of 2011);
- 2.19 **“National Treasury”** has meaning assigned to it in Section 1 of Public Finance Management Act, 1999 (Act No. 1 of 1999);
- 2.20 **“non-firm prices”** means all prices other than “firm” prices;
- 2.21 **“person”** includes a juristic person;
- 2.22 **“People with disabilities”** meaning assigned to it in terms of Section 1 of Employment Equity Act, 1998 (Act No. 55 of 1998)
- 2.23 **“Price”** includes all applicable taxes less all unconditional discounts.
- 2.24 **“Proof of B-BBEE Status Level of Contributor”** i) the B-BBEE status level certificate issued by an unauthorised body or person; ii) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or iii) any other requirement prescribed in terms of the Broad- Based Black Economic Empowerment Act.
- 2.25 **“Rural Area”** i) a sparsely populated area in which people farm or depend on natural resources, including villages and small towns that are dispersed through the area; or ii) an area including a large settlement which depends on migratory labour and remittances and government social grants for survival, and may have traditional land tenure system.
- 2.26 **“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);
- 2.27 **“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;
- 2.28 **“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;
- 2.29 **“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;
- 2.30 **“Township”** means an urban living area that any time from the late 19<sup>th</sup> century until 27 April 1994, was reserved for black people, including areas developed for historically disadvantaged individuals post 27 April 1994
- 2.31 **“Treasury”** meaning assigned to it in Section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999)
- 2.32 **“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

2.33 “**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.

2.34 “**Youth**” meaning assigned to it in terms of Section 1 of National youth Development Agency Act, 2008 (Act No. 54 of 2008).

### 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 Specific Goals.

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 Specific Goals, 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 PREFERENCE POINT SYSTEMS**

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

**80/20**

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

Where

P<sub>s</sub> = Points scored for comparative price of bid under consideration

P<sub>t</sub> = Comparative price of bid under consideration

P<sub>min</sub> = Comparative price of lowest acceptable bid

#### **POINTS AWARDED FOR SPECIFIC GOALS**

4.2 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 BID. For the purposes of this BID the tenderer will be allocated points based on the goals stated in the table below as may be supported by proof/ documentation stated in the conditions of this BID:

Historically Disadvantaged Persons	Number of points (80/20 system)	Number of points claimed (80/20 system) (To be completed by the tenderer)	Documentary Proof
Promotion of enterprises with at least 51% women ownership	5		Bidder to submit valid copy of CIPC certificate, certified South African ID copies of owners and the valid copy of the BBBEE certificate
Promotion of enterprises owned by youth	5		
Promotion of enterprises owned by People With Disabilities	5		Bidder to submit valid copy of CIPC certificate, certified South African ID copies of owners and letter from the doctor
Non-compliant	0		
Locality	Number of points (80/20 system)	Number of points claimed (80/20 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Locality – Registered within the boundaries of Sarah Baartman / Chris Hani District Municipalities	5		
Locality – Registered within the boundaries of the Eastern Cape	3		
Locality – No registered office in the Eastern Cape	2		

## 5. BID DECLARATION

5.1 Bidders who claim points in respect of Specific Goals must complete the following:

### 5.1.1 SPECIFIC GOALS POINTS CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 5.1

5.2 Specific Goals: = .....(maximum of 20 points)

Points claimed in respect of paragraph 5.1 must be in accordance with the table reflected in paragraph 4.2 and must be substantiated by means of valid copy of CIPC certificate, certified South African ID

copies of owners and the valid copy of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or a sworn affidavit and letter from the doctor.

Where the tenderer is the owner of the property of the business:

1) Municipal account registered in the name of the tenderer;

Where the tenderer is not the owner of the property of the business:

1) A valid lease agreement; or 2

2) Affidavit from the property owner that the address used to claim points in the SBD 6.1 is being rented out to the tenderer at no cost.

## 6. SUB-CONTRACTING

6.1 Will any portion of the contract be sub-contracted?

*(Tick applicable box)*

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

6.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted.....%

ii) The name of the sub-contractor.....

iii) The ownership status of the sub-contractor.....

iv) Whether the sub-contractor is an EME.

*(Tick applicable box)*

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise:

Designated Group: An EME or QSE which is at last 51% owned by:	EME <input checked="" type="checkbox"/>	QSE <input checked="" type="checkbox"/>
Black people	<input type="checkbox"/>	<input type="checkbox"/>
Black people who are youth	<input type="checkbox"/>	<input type="checkbox"/>
Black people who are women	<input type="checkbox"/>	<input type="checkbox"/>
Black people with disabilities	<input type="checkbox"/>	<input type="checkbox"/>
Black people living in rural or underdeveloped areas or townships	<input type="checkbox"/>	<input type="checkbox"/>
Cooperative owned by black people	<input type="checkbox"/>	<input type="checkbox"/>
Black people who are military veterans	<input type="checkbox"/>	<input type="checkbox"/>
OR		
Any EME	<input type="checkbox"/>	<input type="checkbox"/>
Any QSE	<input type="checkbox"/>	<input type="checkbox"/>

**7. DECLARATION WITH REGARD TO COMPANY/FIRM**

7.1 Name of company/firm:.....

7.2 VAT registration number:.....

7.3 Company registration number:.....

**7.4 TYPE OF COMPANY/ FIRM**

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

[TICK APPLICABLE BOX]

**7.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....

.....

**7.6 COMPANY CLASSIFICATION**

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

[TICK APPLICABLE BOX]

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

7.8 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-BBEE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If a bidder submitted false information regarding its B-BBEE status level of contributor, locality, or any other matter required in terms of the Preferential Procurement Regulations, 2022 which will affect or has affected the evaluation of a bid, or where a bidder has failed to declare any subcontracting arrangements 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) if the successful bidder subcontracted a portion of the bidder to another person without disclosing it, AMAZWI MUSEUM reserves the right to penalise the bidder up to 10 percent of the value of the contract;
- (e) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (f) forward the matter for criminal prosecution.

#### WITNESSES

1. ....

2. ....

.....

SIGNATURE(S) OF BIDDERS(S)

DATE: .....

ADDRESS .....

.....

.....

## SECTION 8

SBD 7.2

### CONTRACT FORM - RENDERING OF SERVICES

**THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.**

#### PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid .
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
  - (i) Bidding documents, viz
    - Invitation to bid;
    - Tax clearance certificate;
    - Pricing schedule(s);
    - Filled in task directive/proposal;
    - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
    - Declaration of interest;
    - Declaration of bidder's past SCM practices;
    - Certificate of Independent Bid Determination;
    - Special Conditions of Contract;
  - (ii) General Conditions of Contract; and
  - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....  
 CAPACITY .....  
 SIGNATURE .....  
 NAME OF FIRM .....  
 DATE .....

#### WITNESSES

1 .....

2 .....

DATE: .....

## CONTRACT FORM - RENDERING OF SERVICES

### PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I..... in my capacity as.....  
accept your bid under reference number .....dated.....for the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

4. I confirm that I am duly authorised to sign this contract.

SIGNED AT .....ON.....

NAME (PRINT) .....

SIGNATURE .....

OFFICIAL STAMP

#### WITNESSES

1 .....

2 .....

DATE:.....



## SECTION 9

SBD 8

### DECLARATION OF COMPANY'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

4.4.1 If so, furnish particulars:

## CERTIFICATION

I, THE UNDERSIGNED (FULL NAME) ..... CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

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

.....

**Signature**

.....

**Date**

.....

**Position**

.....

**Name of Company**

## SECTION 10

## SBD 9

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Standard Company Document (SBD) 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 Company (or BID rigging).<sup>2</sup> Collusive Company 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 Company if that Company, 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 Company process or the execution of that contract.
4. This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when BIDs are considered, reasonable steps are taken to prevent any form of BID-rigging.
5. In order to give effect to the above, the attached Certificate of BID Determination (SBD 9) must be completed and submitted with the BID:

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying BID: \_\_\_\_\_ (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: \_\_\_\_\_ (Name of Company) that:

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; I am authorized by the Company to sign this Certificate, and to submit the accompanying BID, on behalf of the Company;
3. Each person whose signature appears on the accompanying BID has been authorized by the Company to determine the terms of, and to sign the BID, on behalf of the Company;
4. 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 Company, whether or not affiliated with the Company, 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 Company and/or is in the same line of business as the Company
5. The Company has arrived at the accompanying BID independently from, and without consultation, communication, agreement or arrangement with any competitor.
6. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive Company.
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. Company 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 Company, directly or indirectly, to any competitor, prior to the date and time of the official BID opening or of the awarding of the contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to BIDs and contracts, BIDs that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Company

<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.

## SECTION 11

### **COMMISSIONER OF OATH**

*I certify that the above has acknowledged that he/she knows and understands the contents of this document, that he/she does not have any objection to taking the oath, and that he/she considers it to be binding on his/her conscience, and which was sworn to and signed before me at \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, and that the administering oath complied with the regulations contained in Government Gazette No. R 1258 of 21 July 1972, as amended.*

\_\_\_\_\_ (Sign – SERVICE PROVIDER)

\_\_\_\_\_ (Name – SERVICE PROVIDER)

#### COMMISSIONER OF OATHS STAMP AND DETAILS OF PERSON

**STAMP :**

**NAME & SURNAME:**

**DESIGNATION/RANK :**

**PERSAL/EMPLOYEE NO:**

**PLACE/DATE:**

## PRICING SCHEDULE

### 1. Persons, Position and Hourly Rate

Description	Hourly Rate	Daily Rate
Director / Partner		
Project Manager		
Other key personnel to be assigned to this project:		
Senior Associate		
Intermediate		

### 2. Total Price

Description	Rate/Hour (Rand Value)	Estimated Hours (per annum)	Total Cost
1. Meeting preparation / meeting attendance / record minutes of meetings / preparation of action list / resolutions register and circulation / ad hoc council matters		<b>400</b>	
3. Other costs / fees (indicate below)			
4. Disbursements (indicate below)			
5. VAT			
6. TOTAL INCLUDING VAT			

3. Percentage of annual escalation: 2024/25 \_\_\_\_\_

2025/26 \_\_\_\_\_

**END OF BID**