



REGISTRATION NO. (2001/025832/30)

**PANEL OF ATTORNEYS**

**BID DETAILS**

**BID NUMBER:** RAL/2025/PANEL OF ATTORNEYS

**CLOSING DATE:** 23 JUNE 2025  
**TIME:** 11:00

**DESCRIPTION:** APPOINTMENT OF A PANEL OF ATTORNEYS AND/OR LAW FIRMS TO RENDER LEGAL ADVISORY AND LITIGATION SERVICES TO ROADS AGENCY LIMPOPO (SOC) LTD FOR A PERIOD OF THREE (3) YEARS.

**BRIEFING SESSION:** Yes  No   
See Paragraph 2 on Bid Submission Conditions and Instructions that the Bidder needs to take note of.

**DETAILS OF BIDDER**

**Service provider:** \_\_\_\_\_  
**CSD number:** \_\_\_\_\_  
**Bid price:** \_\_\_\_\_  
**Contact person:** \_\_\_\_\_  
**Telephone/ Cell number:** \_\_\_\_\_  
**E-mail address:** \_\_\_\_\_

## GLOSSARY

|                      |   |
|----------------------|---|
| Award                | Conclusion of the procurement process and final notification to the effect to the successful bidder   |
| Bid                  | Written offer in a prescribed or stipulated form in response to an invitation by RAL for the provision of goods, works or services                                    |
| Contractor           | Organisation with whom RAL will conclude a contract and potential service level agreement subsequent to the final award of the contract based on this Request for Bid |
| Core Team            | The core team are those members who fill the non-administrative positions against which the experience will be measured.  |
| GCC                  | General Conditions of Contract  |
| IP                   | Intellectual Property   |
| Original Bid         | Original document signed in ink, or<br>Copy of original document signed in ink  |
| Originally certified | To comply with the principle of originally certified, a document must be both stamped and signed in original ink by a commissioner of oaths.                          |
| RAL                  | Limpopo Province Roads Agency (SOC) Ltd Registration No. 2001/025832/30 – t/a Roads Agency Limpopo  |
| SCM                  | Supply Chain Management   |
| SLA                  | Service Level Agreement   |

## DOCUMENTS IN THIS BID DOCUMENT PACK

Bidders are to ensure that they have received all pages (30) of this document, which consists of the following sections:

### SECTION A

**Note: Documents in this section are for information to/instruction to bidders/ must be completed and returned with bids.**

- Invitation to Bid (SBD 1)
- Bid Submission Conditions and Instructions
- Terms of Reference
- Evaluation Process

### SECTION B

**Note: Documents in this section must be completed and returned or supplied with bids.**

- Pricing Schedule (SBD 3.3) (**not applicable**)
- Bidder's Disclosure (SBD 4)
- Preference Points Claim Form in terms of the Preferential Procurement Regulations, 2022 (SBD 6.1)
- Bid submission Conditions, Instruction and Evaluation Process/Criteria

# SECTION A

(This section must be returned as part of the bid document)

**PART A  
INVITATION TO BID**

**SBD1**

|  |  |                            |   |  |  |
|--|--|----------------------------|---|--|--|
| <b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE ROADS AGENCY LIMPOPO</b>  |  |                            |   |  |  |
| BID NUMBER:  | RAL/2025/PANEL OF ATTORNEYS  | CLOSING DATE: 23 JUNE 2025 |   | CLOSING TIME:  | 11:00  |
| DESCRIPTION  | APPOINTMENT OF A PANEL OF ATTORNEYS AND/OR LAW FIRMS TO RENDER LEGAL ADVISORY AND LITIGATION SERVICES TO ROADS AGENCY LIMPOPO (SOC) LTD FOR A PERIOD OF THREE (3) YEARS. |                            |   |  |  |
| <b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>   |  |                            |   |  |  |
| ROADS AGENCY LIMPOPO   |  |                            |   |  |  |
| RAL TOWERS   |  |                            |   |  |  |
| 26 RABE STREET   |  |                            |   |  |  |
| POLOKWANE 0700   |  |                            |   |  |  |
| <b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>  |  |                            | <b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>                    |  |  |
| CONTACT PERSON   | DINALA MATSOBANE   |                            | CONTACT PERSON  | KOMANA KS  |  |
| TELEPHONE NUMBER   | 015 284 4628   |                            | TELEPHONE NUMBER  | 015 284 4683   |  |
| FACSIMILE NUMBER   | 015 291 2433   |                            | FACSIMILE NUMBER  | 015 291 2433   |  |
| E-MAIL ADDRESS   | <a href="mailto:dinalamr@ral.co.za">dinalamr@ral.co.za</a>   |                            | E-MAIL ADDRESS  | <a href="mailto:komanaks@ral.co.za">komanaks@ral.co.za</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   |
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?   | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES ENCLOSE PROOF]   |                            | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED? |  | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES, ANSWER THE QUESTIONNAIRE BELOW] |
| <b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>  |  |                            |   |  |  |
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?<br><input type="checkbox"/> YES <input type="checkbox"/> NO            |  |                            |   |  |  |
| DOES THE ENTITY HAVE A BRANCH IN THE RSA? <span style="float:right"><input type="checkbox"/> YES</span><br><input type="checkbox"/> NO |  |                            |   |  |  |

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?

YES  NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?

NO

YES

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

NO

YES

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

**SBD1**

**PART B  
TERMS AND CONDITIONS FOR BIDDING**

**1. BID SUBMISSION:**

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

**2. TAX COMPLIANCE REQUIREMENTS**

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

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

SIGNATURE OF BIDDER:

.....

RAL/2025/PANEL OF ATTORNEYS

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CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

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

DATE:

.....

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## BID SUBMISSION CONDITIONS AND INSTRUCTIONS

### CONDITIONS AND INSTRUCTIONS THAT BIDDERS NEED TO TAKE NOTE OF

#### 1 FRAUD AND CORRUPTION

- 1.1 All providers are to take note of the implications of contravening the Prevention and Combating of Corrupt Activities Act, Act No 12 of 2004 and any other Act applicable.

#### 2 BRIEFING SESSION

- 2.1 No briefing session will be held.

#### 3 CLARIFICATIONS/ QUERIES

- 3.1 Any clarification required by a Bidder regarding the meaning or interpretation of the Terms of Reference, or any other aspect concerning the bid, is to be requested in writing (letter, facsimile or e-mail) from [dinalamr@ral.co.za](mailto:dinalamr@ral.co.za) by not later than **15:00 on Wednesday, 13 June 2025**. A reply will be forwarded within two (02) working days. Telephonic requests for clarification will not be accepted. If appropriate, the clarifying information will be made available to all Bidders by e-mail only. The bid number should be mentioned in all correspondence.

#### 4 SUBMITTING BIDS

- 4.1 One (1) original document (properly bounded) must be handed in/delivered to:

DEPOSITED IN THE  
BID/TENDER BOX  
SITUATED AT  
(Street address)

Roads Agency Limpopo  
RAL Towers  
26 Rabe Street  
Polokwane

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OR

\* POSTED TO:

Roads Agency Limpopo  
Private Bag X9554  
Polokwane  
0700

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***No faxed or e-mailed bids will be accepted***

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**Bidders should ensure that bids are delivered to RAL before the closing date and time to the correct physical address. If the bid is late, it will not be accepted for consideration.**

**\* Refer to Paragraph 5 below**

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- Bids can be delivered and deposited into the tender box any time before or on the closing date.
- All bids must be submitted on the official forms (not to be re-typed).

4.2 Bids should be submitted in sealed envelopes, marked with:

- Bid number (**RAL/2025/PANEL OF ATTORNEYS**)
- Closing date and time (**23 June 2025 @ 11:00**)
- The name and address of the Bidder.

4.3 Documents submitted on time by bidders shall not be returned.

## **5 LATE BIDS**

5.1 Bids received late shall not be considered. A bid will be considered late if it arrived even one second after 11:00 or any time thereafter. The tender (bid) box shall be closed at exactly 11:00 and bids arriving late will not be considered under any circumstances. Bids received late shall be returned unopened to the bidder. Bidders are therefore strongly advised to ensure that bids be despatched allowing enough time for any unforeseen events that may delay the delivery of the bid.

5.2 The official Telkom time, which can be observed by dialling 1026 from any phone, will be used to verify the exact closing time.

5.3 Bids sent to the RAL via normal post or any other mechanism shall be deemed to be received at the date and time of arrival at the RAL premises (tender/bid box or reception). Bids received at the physical address after the closing date and time of the bid, shall therefore be deemed to be received late.

## **6 PAYMENTS**

6.1 RAL will pay the Contractor the fees set out in the final contract according to the table of deliverables. No additional amounts will be payable by the RAL to the Contractor.

6.1.1 The Contractor shall from time to time during the duration of the contract, invoice RAL for the services rendered.

6.1.2 The invoice must be accompanied by supporting source document(s) containing detailed information, as RAL may reasonably require, for the purposes of establishing the specific nature, extent and quality of the services which were undertaken by the Contractor.

6.1.3 No payment will be made to the Contractor unless an original tax invoice complying with section 20 of the VAT Act No 89 of 1991, as amended, has been submitted to RAL.

6.1.4 Payment shall be made by bank transfer into the Contractor's back account normally 30 days after receipt of an acceptable, original, valid tax invoice. Money will only be transferred into a South African bank account. (Banking details must be submitted as soon as the bid is awarded).

6.2 The Contractor shall be responsible for accounting to the appropriate authorities for its income tax, VAT or other moneys required to be paid in terms of the applicable law.

**7 GENERAL CONDITIONS OF CONTRACT**

7.1 The General Conditions of Contract must be accepted. The GCC can be downloaded from the Treasury Website. Please refer to the link below:

<http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/General%20Conditions%20of%20Contract-%20Inclusion%20of%20par%2034%20CIBD.pdf>

## 1. TERMS OF REFERENCE

Roads Agency Limpopo (SOC) Ltd is a State-Owned Company established in terms of the Limpopo Province Roads Agency Proprietary Limited and Provincial Roads Act 7 of 1998, as amended. RAL falls under the ownership and control of the Limpopo Provincial Government, as represented by the Member of Council responsible for the Department of Public Works, Roads and Infrastructure. The primary objective of RAL is the planning and design, construction and maintenance, as well as management of all provincial roads in Limpopo. RAL executes its mandate mainly by procuring the services of engineering consultants and road infrastructure contactors, through a competitive tender process.

## 2. BACKGROUND

The purpose of appointing the panel of attorneys is to establish a database of professional legal firms that can be contracted to provide specialized professional legal advisory and litigation services, over a three (3) year period.

## 3. SCOPE O WORKS

Firms of attorneys will be required to render professional services to RAL on a wide range of legal issues pertaining to, *inter alia*, the following fields of law:

- 3.1 Road Infrastructure Construction Contract Law (specific experience relating to drafting, reviewing and interpreting construction contracts, such as General Conditions of Contract by SAICE, dispute resolution pertaining to construction contracts, and interpreting CIDB laws and regulations);
- 3.2 Public Administration Law and Regulations.
- 3.3 Company Law;
- 3.4 Corporate Governance;
- 3.5 PFMA and Treasury Regulations;
- 3.6 Information, Communications and Technology Law;
- 3.7 Environmental Law;
- 3.8 Property Law;
- 3.9 Government Procurement Laws and Regulations;
- 3.10 Civil Litigations (in all Courts of the Republic of South Africa)
- 3.11 Law of Delict in so far as it relates to public liability related claims;
- 3.12 Employment and Labour Law;
- 3.13 Commercial litigation.

## 4. COMPLIANCE

### 4.1 Administrative requirements

| # | Description | Minimum Proof required | Tick |    |
|---|-------------|------------------------|------|----|
|   |             |                        | Yes  | No |
|   |             |                        |      |    |

|    |  |                                 |  |  |
|----|--|---------------------------------|--|--|
| 1. | Registration on Central Supplier Database (CSD). If you are not registered proceed to complete the registration of your company prior to submitting your proposal. Visit <a href="https://secure.csd.gov.za/">https://secure.csd.gov.za/</a> to obtain your vendor number. | CSD-Proof of registration       |  |  |
| 2. | Proof of JV or partnership agreements (if applicable)  | Signed agreement                |  |  |
| 3. | Special conditions of contract and quotation   | Completed, signed and submitted |  |  |

#### 4.2 Mandatory requirements

The information contained in the Table below is mandatory and will be used in assessing the responsiveness of bidders. Failure to submit and complete all mandatory information will result in submissions being deemed null and void and shall be considered “non – responsive” and therefore not considered.

| #  | Description  | Minimum Proof required               | Tick |    |
|----|--|--------------------------------------|------|----|
|    |  |                                      | Yes  | No |
| 1. | Invitation to Bid (SBD 1)  | Completed, signed and submitted      |      |    |
| 2. | Bidder’s Disclosure (SBD 4)  | Completed, signed and submitted      |      |    |
| 3. | Preference points claim form in terms of the preferential procurement regulations 2022 (SBD 6.1)   | Completed, signed and submitted      |      |    |
| 4. | Proof of Authority to sign (submit Letter / Board Resolution)  | Signed Letter/Board resolution       |      |    |
| 5. | Company profile detailing areas of expertise in respective fields of law and demonstrating the capability to deliver the expected outcomes that this procurement transaction seeks to achieve. | Company profile                      |      |    |
| 6. | Proof of company registration with Legal Practice Council (LPC)  | A valid certificate of good standing |      |    |

|    |   |                                      |  |  |
|----|---|--------------------------------------|--|--|
| 7. | Proof of company registration with Fidelity Fund                    | A valid fidelity fund certificate    |  |  |
| 8. | Certificate of good standing of the Attorneys employed by the firm. | A valid certificate of good standing |  |  |

**NB: ALL CERTIFIED COPIES MUST NOT BE OLDER THAN SIX (06) MONTHS.**

**5. PROFESSIONAL FEES**

The persons available to provide the services must be specifically identified and listed (stating their seniority in the legal fraternity), and their CVs must be provided. An assignment fee will be negotiated before commencement of work.

**6. SKILLS TRANSFER**

The firms of attorneys will also be required to ensure transfer of skills to in- house legal professionals in the employ of RAL.

**ALL BIDDERS MUST TAKE NOTE OF THE EVALUATION PROCESS THAT WILL BE FOLLOWED.**

**1 EVALUATION PROCESS**

**1.1 COMPLIANCE WITH MINIMUM REQUIREMENTS**

1.1.1 Evaluation criteria is based on **Compliance** and **Functionality**. Non submission and fully completion of mandatory requirements will render proposals non- responsive and will be eliminated from further consideration.

**1.1.1.1 Administrative compliance**

- Registration on Central Supplier Database (CSD). If you are not registered proceed to complete the registration of your company prior to submitting your proposal. Visit <https://secure.csd.gov.za/> to obtain your vendor number.
- Proof of JV or partnership agreements (if applicable)
- Special conditions of contract and bid

**1.1.1.2 Mandatory Requirements**

- Invitation to Bid (SBD 1)
- Bidder's Disclosure (SBD 4)
- Preference points claim form in terms of the preferential procurement regulations 2022 (SBD 6.1)
- Proof of Authority to sign (submit Letter / Board Resolution)
- Company profile detailing areas of expertise in respective fields of law and demonstrating the capability to deliver the expected outcomes that this procurement transaction seeks to achieve.
- Proof of company registration with Legal Practice Council (LPC)
- Proof of company registration with Fidelity Fund
- Certificate of good standing of the Attorneys employed by the firm.

**1.2 DETERMINATION OF SCORE FOR FUNCTIONALITY**

1.2.1 The evaluation criteria and weights for functionality as indicated in the table in below, will apply.

| FUNCTIONAL CRITERIA  | MAXIMUM TO BE AWARDED |
|--|-----------------------|
| <p><b><u>Director’s Experience</u></b></p> <p>Points will be allocated for the director(s)’ number of years in legal practice (the principal director’s years of practising for his/her own account). CV of principal Director must be attached.</p> <ul style="list-style-type: none"> <li>• Less than 5-years’ experience = 10 points</li> <li>• 5 to 10-years’ experience = 20 points</li> <li>• More than 10 to 15-years’ experience = 30 points</li> <li>• More than 15 years’ experience = 40 points</li> </ul> <p><b><u>NOTE.</u></b> Points will be awarded where the principal director of a law firm is an admitted attorney who has been practising law for an uninterrupted period at a different law firm than that tendering a bid in respect hereof, provided that the principal director is the professional resource who will be responsible for handling matters of RAL.</p> | <p><b>40</b></p>      |
| <p><b><u>Company Experience</u></b></p> <p>A list of traceable and contactable references letters where similar jobs were successfully completed in the past 5 years. Points will be allocated based on the number of reference letters received confirming the bidder’s completion of relevant projects. Reference letters should be on the client company letterheads, signed by an authorised representative of the respective client organisation.</p> <ul style="list-style-type: none"> <li>• Less than 5 references = 0 points</li> <li>• 5 to 7 references = 20 points</li> <li>• 8 to 10 references = 40 points</li> <li>• More than 10 references = 60 points</li> </ul>   | <p><b>60</b></p>      |
| <p><b>TOTAL</b></p>  | <p><b>100</b></p>     |

1.2.2 The score for functionality shall be calculated as follows:

- Each panel member shall award values for each individual criterion on a score sheet. The value scored for each criterion shall be multiplied with the specified weighting for the relevant criterion to obtain the marks scored for the various criteria. These marks should be added to obtain the total score for functionality.
- The score of each panel member shall be added together and divided by the number of panel members to establish the average score obtained by each individual bidder for functionality.

1.2.3 Proposals that score less than **80** out of **100** points for functionality will not form part of the panel.

### 1.3 SELECTION CRITERIA

The tenders who have scored a minimum of **80 points** out of 100 for functionality will be recommended to form part of the panel. **The minimum of 3 (three) Service Providers in the panel will then be requested to quote for specific projects on a rotational basis as and when the service is required.** Once service providers have quoted, price and preference points will be allocated in line with the Preferential Procurement Policy Framework Act Regulations and the RAL's Preferential Procurement Policy goals. The specific goals claimed in SBD 6.1 form will apply.

# SECTION B

This section must be completed and returned or supplied with bids as prescribed.

**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<sup>1</sup> in the enterprise, employed by the state?

**YES/NO**

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

| Full Name | Identity Number | Name of State institution |
|-----------|-----------------|---------------------------|
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |

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:

.....

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

.....

2.3 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.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

<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.

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

**NOTE: SPECIFIC GOALS POINTS WILL APPLY AT THE TIME OF APPOINTING FROM THE PANEL. PLEASE ENSURE THAT POINTS CLAIMED ARE CLEARLY INDICATED IN SBD 6.1 TABLE BELOW**

**SBD 6.1**

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

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

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

**1. GENERAL CONDITIONS**

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

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

1.2 The applicable preference point system for this tender is the **80/20** preference point system.

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

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

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

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

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

mean that preference points for specific goals are not claimed.

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

## 2. DEFINITIONS

- (a) **“highest acceptable tender”** means a tender that complies with all specifications and conditions of tender and that has the highest price compared to other tenders;
- (b) **“lowest acceptable tenders”** means a tender that complies with all the specifications and conditions of tender that has lowest price compared to other tenders;
- (c) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (d) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (e) **“specific goals”** means specific goals as contemplated in section 2(1)(d) of the Act which may include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender and disability including the implementation of programmes of the Reconstruction and Development Programme as published in *Government Gazette* No. 16085 dated 23 November 1994;
- (f) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (g) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (h) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

### 3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

#### 3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

## 4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations 2022, preference points must be awarded for specific goals stated in the tender.

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

(a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

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

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

| The specific goals allocated points in terms of this tender                  | Number of points allocated (80/20 system) | Number of points claimed (80/20 system) | Required documents as a means of verification.   |
|--|---|---|--|
| Enterprises with ownership of 51% or more by person/s who are black person/s | 5   |   | <ul style="list-style-type: none"> <li>• CSD report</li> </ul>   |
| Enterprises with ownership of 51% or more by person/s who are women          | 6   |   | <ul style="list-style-type: none"> <li>• CSD report</li> </ul>   |
| Enterprises with ownership of 51% or more by person/s who are youth          | 5   |   | <ul style="list-style-type: none"> <li>• CSD report</li> </ul>   |
| Enterprises with ownership of 51% or more by person/s with disability        | 2   |   | <ul style="list-style-type: none"> <li>• Medical certificate</li> <li>• CSD report</li> </ul>                          |
| Small, Medium and Micro Enterprises  | 0   |   |  |
| Rural/Township Businesses  | 2   |   | <ul style="list-style-type: none"> <li>• Municipal account or Permission to Occupy (PTO) or Lease Agreement</li> </ul> |
| <b>Total points for specific goals</b>                                       | <b>20</b>                                 |   |  |

**DECLARATION WITH REGARD TO COMPANY/FIRM**

4.3. Name of company/firm

.....

4.4. Company registration number:

.....

4.5. TYPE OF COMPANY/ FIRM

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

- Non-Profit Company
  - State Owned Company
- [TICK APPLICABLE BOX]

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

- i) The information furnished is true and correct.
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.1, the contractor is be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  - (a) disqualify the person from the tendering process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution, if deemed necessary.

|  |       |
|--|-------|
| <p>.....</p> <p><b>SIGNATURE(S) OF TENDERER(S)</b></p> |       |
| <b>SURNAME AND NAME:</b>                               | ..... |
| <b>DATE:</b>   | ..... |
| <b>ADDRESS:</b>  | ..... |
|  | ..... |

## SPECIAL CONDITIONS OF BID AND CONTRACT

### Return as Part 1

| <b>SPECIAL CONDITIONS</b> |  |
|---------------------------|--|
| <b>1</b>                  | <b>GENERAL</b>   |
| 1.1                       | The Bidder must clearly state if deviation from these special conditions are offered and the reason therefor. If an explanatory note is provided, the paragraph reference must be indicated in a supporting appendix to the application submission.        |
| 1.2                       | Should Bidders fail to indicate agreement/compliance or otherwise, RAL will assume that the Bidder is in compliance or agreement with the statement(s) as specified in this bid.   |
| 1.3                       | Bids not completed in this manner may be considered incomplete and rejected.   |
| 1.4                       | RAL shall not be liable for any expense incurred by the Bidder in the preparation and submission of a bid.   |
| <b>2</b>                  | <b>CANCELLATION OF PROCUREMENT PROCESS</b>   |
| 2.1                       | This procurement process can be postponed or cancelled at any stage at the sole discretion of RAL provided that such cancellation or postponement takes place prior to entering into a contract with a specific service provider to which the bid relates. |
| <b>3</b>                  | <b>BID SUBMISSION CONDITIONS, INSTRUCTION AND EVALUATION PROCESS/CRITERIA</b>  |
| 3.1                       | Bid submission conditions and instructions as well as the evaluation process/criteria have been noted.   |
| <b>4</b>                  | <b>NEGOTIATION AND CONTRACTING</b>   |
| 4.1                       | RAL have the right to enter into a negotiation with one or more Bidders regarding any terms and conditions, including price(s), of a proposed contract.  |
| 4.2                       | Under no circumstances will negotiation with any Bidders, including preferred Bidders, constitute an award <sup>3</sup> or promise/ undertaking to award the contract.   |
| 4.3                       | RAL shall not be obliged to accept the lowest or any bid, offer or proposal.   |
| 4.4                       | A contract will only be deemed to be concluded when reduced to writing in a formal contract and Service Level Agreement (if applicable) signed by the designated responsible person of both parties. The designated responsible person of RAL is the CEO.  |
| 4.5                       | RAL also reserves the right to enter into one contract with a Bidder for all required functions or into more than one contract with different Bidders for different functions.   |

<sup>3</sup> See GLOSSARY.

|           |   |
|-----------|---|
| <b>5</b>  | <b>ACCESS TO INFORMATION</b>  |
| 5.1       | All bidders will be informed of the status of their bid once the procurement process has been completed.  |
| 5.2       | Requests for information regarding the bid process will be dealt with in line with the RAL SCM Policy and relevant legislation.   |
| <b>6</b>  | <b>REASONS FOR REJECTION</b>  |
| 6.1       | RAL shall reject a proposal for the award of a contract if the recommended Bidder has committed a proven corrupt or fraudulent act in competing for the particular contract.  |
| 6.2       | <p>The RAL may disregard the quote of any bidder if that bidder, or any of its directors:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Have abused the SCM system of the RAL.</li> <li><input type="checkbox"/> Have committed proven fraud or any other improper conduct in relation to such system.</li> <li><input type="checkbox"/> Have failed to perform on any previous contract and the proof exists.</li> </ul> <p>Such actions shall be communicated to the National Treasury.</p> |
| <b>7</b>  | <b>GENERAL CONDITIONS OF CONTRACT</b>   |
| 7.1       | The General Conditions of Contract must be accepted.  |
| <b>8</b>  | <b>ADDITIONAL INFORMATION REQUIREMENTS</b>  |
| 8.1       | During evaluation of the bids, additional information may be requested in writing from Bidders. Replies to such request must be submitted, within <b>5</b> (five) working days or as otherwise indicated. Failure to comply, may lead to your bid being disregarded.  |
| 8.2       | No additional information will be accepted from any individual Bidder without such information having been requested  |
| <b>9</b>  | <b>CONFIDENTIALITY</b>  |
| 9.1       | The bid and all information in connection therewith shall be held in strict confidence by Bidders and usage of such information shall be limited to the preparation of the bid. Bidders shall undertake to limit the number of copies of this document.   |
| <b>10</b> | <b>INTELLECTUAL PROPERTY, INVENTIONS AND COPYRIGHT</b>  |
| 10.1      | Copyright of all documentation relating to this contract belongs to the client. The successful Bidder may not disclose any information, documentation or products to other clients without the written approval of the accounting authority or the delegate.  |
| 10.2      | This paragraph shall survive termination of this contract.  |
| <b>11</b> | <b>NON-COMPLIANCE WITH DELIVERY TERMS</b>   |

|           |  |
|-----------|--|
| 11.1      | As soon as it becomes known to the contractor that he/she will not be able to deliver the services within the delivery period and/or against the quoted price and/or as specified, RAL must be given immediate written notice to this effect. RAL reserves the right to implement remedies as provided for in the GCC.   |
| <b>12</b> | <b>WARRANTS</b>  |
| 12.1      | The Contractor warrants that it is able to conclude this Agreement to the satisfaction of RAL.   |
| 12.2      | Although the contractor will be entitled to provide services to persons other than RAL, the contractor shall not without the prior written consent of RAL, be involved in any manner whatsoever, directly or indirectly, in any business or venture which competes or conflicts with the obligations of the contractor to provide Services.                                  |
| <b>13</b> | <b>PARTIES NOT AFFECTED BY WAIVER OR BREACHES</b>  |
| 13.1      | The waiver (whether express or implied) by any Party of any breach of the terms or conditions of this contract by the other Party shall not prejudice any remedy of the waiving party in respect of any continuing or other breach of the terms and conditions hereof.   |
| 13.2      | No favour, delay, relaxation or indulgence on the part of any Party in exercising any power or right conferred on such Party in terms of this contract shall operate as a waiver of such power or right nor shall any single or partial exercise of any such power or right under this agreement.  |
| <b>14</b> | <b>RETENTION</b>   |
| 14.1      | On termination of this agreement, the contractor shall, on demand hand over all documentation provided as part of the project and all deliverables, etc., without the right of retention, to RAL.  |
| 14.2      | No agreement to amend or vary a contract or order or the conditions, stipulations or provisions thereof shall be valid and of any force and effect unless such agreement to amend or vary is entered into in writing and signed by the contracting parties. Any waiver of the requirement that the agreement to amend or vary shall be in writing, shall also be in writing. |
| <b>15</b> | <b>FORMAT OF BIDS</b>  |
| 15.1      | Bidders must complete all the necessary bid documents and undertakings required in this bid document. Bidders are advised that their proposal should be concise, written in plain English and simply presented.  |
| 15.2      | <b>Bidders are to set out their proposal in the format prescribed hereunder.</b> This means that the proposal must be structured in the parts noted below. <u>Information not submitted in the relevant part, may not be considered for evaluation purposes.</u>   |
| 15.3      | <b>Part 1: Special Conditions of Bid and Contract</b>  |

|        |   |
|--------|---|
| 15.3.1 | Bidders must sign and return the Special Conditions of bid and Contract with the bids   |
| 15.3.2 | <b>Service provider in the panel who is not CSD compliant at the time of appointment, must be notified in writing to comply within seven (7) working days.</b>  |
| 15.4   | <b>Part 2: Bidder's Disclosure</b>  |
| 15.4.1 | <b>Each party</b> to the bid must complete and return the "Bidder's Disclosure". Bids submitted without a complete and signed Declaration of Interest <b>will</b> be deemed to be non-responsive.   |
| 15.5   | <b>Part 3: Preference Points Claim Form in terms of the Preferential Procurement Regulations 2022</b>   |
| 15.5.1 | Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:<br>(c) <b>Specific Goals</b> at the time of appointment from the panel.<br><br>Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed. |
| 15.6   | <b>Part 4: Invitation to Bid</b>  |
| 15.6.1 | Bidders must complete, sign and return the full "Invitation to Bid" document. Bids submitted without a completed and signed Invitation to Bid <b>will</b> be deemed to be non-responsive.   |
| 15.7   | <b>Part 6: Team details</b>   |
| 15.7.1 | In this part that must be returned as part of the submission, Bidders must provide details of the team named in the previous part.  |
| 15.7.2 | For each team member there must be:   |
|        | <input type="checkbox"/> A complete curriculum vitae confirming suitability for the position. A format is provided as a guideline only for the compilation of the CVs.  |
| 15.8   | <b>Part 7: Experience in this field</b>   |
| 15.8.1 | Bidders should provide in this part, and return as part the submission, at least the following information.<br><br><input type="checkbox"/> Details of contracts for similar work.<br><br><input type="checkbox"/> Contact details of a maximum of 5 organisations for which work was done.   |

I/we herewith accept all the above-mentioned special conditions of the bid. If I/we do consider a deviation therefrom, I have noted those as per the instruction in paragraph 1 (General) above.

Name of applicant: \_\_\_\_\_

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_