



South African Human Rights Commission

TENDER NUMBER	SAHRC/HO/RFQ03/2024/-CYBER SECURITY
DESCRIPTION	To invite potential and qualified service providers to submit proposals for the provision of Cyber security services and support to the Internal Audit Unit at the South African Human Rights Commission (SAHRC).
TENDER BRIEFING	<p>DATE: 11 September 2024</p> <p>TIME: 11H00 (GMT +2)</p> <p>ADDRESS: Sentinel House, Sunnyside Office Park, 32 Princess of Wales Terrace, Parktown, Johannesburg, 2193</p> <p>Enquiries can be made in writing as follows:</p> <p>Administration/ Supply Chain Management: Kganki Kekana tender@sahrc.org.za</p> <p>Technical: Zolile Moyo zmoyo@sahrc.org.za</p>
CLOSING DATE	<p>DATE: 17 September 2024</p> <p>TIME: 11H00 (GMT +2)</p> <p>Email: HOpurchase@sahrc.gov.za</p>

1. BACKGROUND

1.1 The South African Human Rights Commission (SAHRC) is a Constitutional body established in terms of the Constitution of South Africa, 1996 as well as the South African Human Rights Commission Act, 40 of 2014. The SAHRC is under the strategic leadership of Commissioners. The administration of SAHRC is overseen by a Chief Executive Officer (CEO).

1.2 SAHRC has presence in all nine Provinces within the Republic of South Africa. There is an Internal Audit unit which is comprised of the Chief Audit Executive, Senior Internal Auditor and Internal Auditor, supported by an Administrator.

2. OBJECTIVE

2.1 The objective of this Request for Proposal (RFP) is to appoint a suitably qualified service provider to render internal audit services as a support to Internal Audit unit.

3. SCOPE OF SERVICE

- 3.1. Cybersecurity framework and regulatory requirements
- 3.2. Threat, vulnerability assessment and management.
- 3.3. Patch management
- 3.4. Information asset access and security management
- 3.5. Communication and network security
- 3.6. New software deployment and change management

4. DELIVERABLES

- 4.1. Conduct an adequacy and effectiveness review of the cyber security environment within the Commission.
- 4.2. Engage with Information Technology and Communication unit and the security management service providers.
- 4.3. Completion of audit file as per SAHRC audit methodology.
- 4.4. Prepare a complete audit report comprising of detailed findings, root causes, recommendations and corrective action plans to be implemented.

5. PRICING

5.1 A detailed price breakdown outlined on table 2 below must be completed and a service provider must include other items, if required.

5.2 **Refer to Annexure A for Pricing Structure**

Refer to Annexure A for Pricing Structure

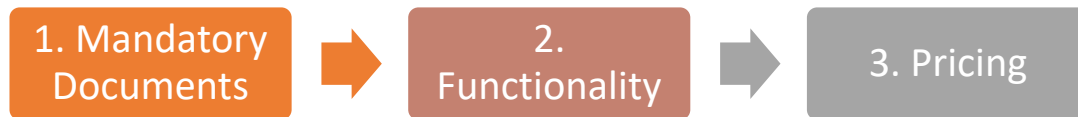
6. PROJECT TIMELINES

To be determined with the service provider based on the scope of work.

7. EVALUATION CRITERIA

Bids will be evaluated on 80/20 point system as outlined in the PPR of 2022.

The proposals will be evaluated in three phases:



8.1 Phase 1: Mandatory Documents

- 8.1.1 Bid proposal
- 8.1.2 Central Supplier Database Summary Report.
- 8.1.3 Valid certified copy of B-BBEE Certificate or Sworn Affidavit for companies qualifying as EMEs or QSEs or Certified copy of BBBEE Certificate.
- 8.1.4 Valid Tax Clearance Certificate or Tax Compliance Status (with SARS PIN CODE).
- 8.1.5 A comprehensive company profile, with the following requirements:
Management structure.
- 8.1.6 All SBD (Standard Bidding Documents) forms must be completed fully and signed
- 8.1.7 Proof of Certified Internal Auditor (CIA),
- 8.1.8 Proof of allocated project team with industry certification such as Certified Information Security Manager (CISM) or Proof of Certified Risk and Information Systems Controls (CRISC)

Note: Bidders who fail to comply with the mandatory requirements will be disqualified.

All compliant quotes received will be evaluated based on the following criteria: functionality criteria will be further evaluated on applicable values as outlined below:

0 = **Unacceptable**, 1 = **Serious Reservations**, 2 = **Minor Reservations**, 3 = **Acceptable**, 4 = **Good**, and 5 = **excellent**

Evaluation on functionality, as in Table 1 below:

- i. Bidders will be evaluated out of 100 points and are required to achieve minimum threshold of 70%.
- ii. The overall score must be equal or above 70% to proceed to for Price and BBBEE evaluations.
- iii. Bidders who fail to meet minimum threshold will be regarded as submitting a non-responsive bid and will not be considered for further evaluation on price and preference points. The minimum threshold for qualification by functionality is 70%, assessed as per criteria listed in Table 1 below:

Phase 2: Functionality evaluation

	Criteria	Percentage weighting
1.	<p>Bidder must have relevant experience in auditing information technology and cyber security. Service provider has extensive knowledge, skills and competencies in Control Objectives for Information and Related Technology (COBIT) framework.</p> <ul style="list-style-type: none"> ○ 0 points = less than 1 year experience ○ 5 points = 1 year experience ○ 10 points = 2 years of experience ○ 20 points = 3 years of experience ○ 30 points = 4 years of experience ○ 40 points = 5 years or more of experience 	40
2.	<p>Bidder's proposed project methodology and plan outlining how SAHRCs requirements will be implemented.</p> <ul style="list-style-type: none"> ○ 0 points= No project plan ○ 5 points= Project plan with no milestones ○ 10 points= Project plan with milestones ○ 20 points= Project plan with milestones & timelines 	20
3.	<p>References included for executing a project of similar magnitude in the last 3 years, signed and on the letterhead of the company where similar work was delivered. . Failure to submit reference letters adhering to the above will invalidate a letter for consideration.</p> <ul style="list-style-type: none"> ○ 0 points = no reference letters submitted or they are not in the last 3 years or not signed and on the letterhead of the company.\ ○ 5 points = 1 reference letter submitted. ○ 10 points = 2 reference letters submitted. ○ 20 points = 3 or more relevant reference letters submitted. 	20
4.	<p>Skills, competencies and qualifications of key personnel that will be assigned on the project based on their CVs.</p> <p>Proposals should clearly indicate whether or not bid participants have the internal capacity to meet the requirements of the TOR.</p> <ul style="list-style-type: none"> ● Project leader to have a valid Certified Ethical Hacker(CEH)= 5 points ● CV with Honours Degree= 10 points ● CV with Master's Degree= 15 points ● CV with more than Masters Degree= 20 points 	20
	Total	100

8.2 Phase 3: Price and PPPFA Calculations

Price evaluation based on the 80/20 preferential point system.

The contract would be awarded to the service provider scoring the highest score.

The points scored in respect of B-BBEE contribution (i.e. HDI status) will be added to the points scored for price.

Only Bidders that have met the 70% threshold in functionality evaluation will be evaluated in for price and BBBEE. Price and BBBEE will be evaluated as follows:

- The price (maximum 80 points)
- B-BBEE status level of contributor (maximum 20 points)
 - The following formula will be used to calculate the points for **Price**:
 - $$Ps = 80 \left\{ 1 - \frac{(Pt - P \min)}{P \min} \right\}$$
 - **Where**
 - **Ps = Points scored for comparative price of bid or offer under consideration.**
 - **Pt = Comparative price of bid or offer under consideration.**
 - **P min = Comparative price of lowest acceptable bid or offer**
 - Points must be awarded to a bidder for attaining the BBBEE status level of contribution in accordance with the table below:

9. Confidentiality, independence and objectivity

The service provider will hold all material and information exchanged in the course of the implementation of this project in the strictest confidence and will take all steps necessary to prevent dissemination of this information to any third party, without the prior written agreement of the SAHRC as the SAHRC asserts its moral authority and copyright over the report. The service provider must ensure that its staff maintains their objectivity by remaining independent of the activities they execute.

9.1 THE TOTAL COST WILL BE USED TO CALCULATE POINTS FOR PRICE CLARIFICATION

- 9.1.1** The SAHRC may request clarity of further information regarding any aspect of the bid. The service provider should supply the requested information within forty-eight (48) hours after the request has been made.
- 9.1.2** The SAHRC reserves the right to conduct a security background check or screening of the service provider.
- 9.1.3** The SAHRC reserves the right to conduct mandatory site inspection to the offices of the service provider.

10. CONDITIONS OF TENDER

- 10.1 The SAHRC reserve the right not to award the tender.
- 10.2 Any conditions imposed by the service provider that is restrictive or contrary to any part of these Terms of Reference will automatically disqualify the service provider.
- 10.3 The service provider will be held liable for any damage or loss suffered by the entity, because of the service provider's own or his/her employees' negligence or intent, which originated at the site. The service provider will have to pay damages or replace any stolen item damaged or stolen due to the negligence or intent of the service provider's own employees.
- 10.4 The service provider must, at his/her own expenses, take out sufficient insurance against any claims, cost, loss and/or damage ensuing from his/her obligations and shall ensure that such insurance remains operative for the duration of this agreement.
- 10.5 A copy of such insurance contract must be handed to the SAHRC Representative on commencement of the service. Evidence that such insurance premiums have indeed been paid or is being sought must be furnished on request.
- 10.6 SAHRC does not bind itself to accept the lowest quote.
- 10.7 The SAHRC reserves the right to invite bidders for presentation at bidders own cost and perform site visits on short listed bidders before the award of the bid, as part of evaluation process.
- 10.8 SAHRC does not bind itself to make any selection from the proposals, or quotations received.
- 10.9 SAHRC reserves the right, at its sole discretion, to cancel this request for proposals and/or not to make any selection of the service provider/s at all.
- 10.10 SAHRC reserves the right, at its sole discretion, to cancel this request for proposals and/or not to make any selection of the service provider/s at all.
- 10.11 All prices quoted must be VAT inclusive.
- 10.12 SAHRC will not make any upfront payments before the rendering of services.
- 10.13 The successful bidder shall provide the service required based on the set timelines and as per the schedule to be provided by SAHRC.
- 10.14 A pricing schedule with one of the specified elements omitted from the costing may be considered non-responsive.
- 10.15 The price proposal must be valid for 120 days.
- 10.16 This is a two-stage bidding process in which proposals submitted must include technical and price, submitted in separate envelopes. For this purpose the service provider must provide in respect of:
 - a. Clearly marked **Technical**, one (1) original plus five (5) hard copies.
 - b. The price proposal, original must be sealed clearly marked **price bid sheet** should include the name of service provider and certification that the person signing the proposal entitled to represent the service provider empowered to submit the bid and authorized to sign a contract with the SAHRC.

11. CONTRACT PERFORMANCE

- 11.1 The performance of the Service Provider shall be reviewed quarterly during the period of the signed Service Level Agreement.
- 11.2 If it is found that information provided is false including the breach of the General Condition of Contract, The SAHRC reserves the right to terminate this contract with immediate effect.

12. FORMAT AND SUBMISSION OF THE PROPOSAL

- 12.1 All the official forms (SBD) must be completed and signed in all respects by bidders. Failure to comply will invalidate a bid.
- 12.2 Bidders are requested to submit one (1) original plus four (1) USB.
- 12.3 For ease of reference, bids should be packaged in the following format:
- Annexure A - Signed Tender Document and Completed SBD Forms
 - Annexure B - Mandatory Documents
 - Annexure C - Functionality Response
 - Annexure D - Company Profile
 - Annexure E - Any other supporting document

13. BRIEFING / INFORMATION SESSION & ENQUIRIES

- 13.1 DATE: 11 September 2024 TIME: 11H00 (GMT +2)
ADDRESS: Sentinel House, Sunnyside Office Park, 32 Princess of Wales Terrace, Parktown, Johannesburg, 2193

- 13.2 Inquiries must be made in writing to the following

Supply Chain Management / Admin	Technical
Mr. Kganki Kekana tender@sahrc.org.za	Mr Zolile Moyo zmoyo@sahrc.org.za

Enquires must be submitted by the 11 September 2023 deadline. Responses would be made by the 11 September 2023.

14. CLOSING DATE

- 14.1 Proposals must be submitted on or before 17 September 2024 at 11h00. Proposals must be submitted at HOpurchase@sahrc.gov.za

Annexure A

PRICE PROPOSAL FOR CYBER SECURITY

No	Scope area	Price
1.1	Review of cybersecurity regulatory framework	
1.2	Vulnerability assessments, and penetration tests	
1.3	Patch and virus management	
1.4	Information assets access and security management	
1.5	Communication and network security management	
1.6	New software deployment and change management	
1.7	Other(Please specify) if applicable	
1.8	Other	
1.9	Other	
	Total Bid Price	

NB: THIS PRICE PROPOSAL NEEDS TO BE SUBMITTED SEPARATELY.

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION				
BID NUMBER:	RFQ03/2024/SAHRC Cyber Security		CLOSING TIME:	11:00am
DESCRIPTION	Provision of Cyber security services and support to the Internal Audit Unit at the South African Human Rights Commission (SAHRC).			
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT				
HProcurement@sahrc.gov.za				
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO		TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Tender office	CONTACT PERSON	Mr Zolile Moyo	
TELEPHONE NUMBER	011 877 3600	TELEPHONE NUMBER	011 877 3600	
FACSIMILE NUMBER		FACSIMILE NUMBER		
E-MAIL ADDRESS	tenderoffice@sahrc.org.za	E-MAIL ADDRESS	zmoyo@sahrc.org.za	
SUPPLIER INFORMATION				
NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
FACSIMILE NUMBER	CODE		NUMBER	
E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]				

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
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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.

1. BID SUBMISSION:

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

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT STATE." 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

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:

PRICING SCHEDULE – FIRM PRICES (PURCHASES)

**NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES
(INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE
VARIATIONS) WILL NOT BE CONSIDERED**

**IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE
PRICING, A SEPARATE PRICING SCHEDULE MUST BE
SUBMITTED FOR EACH DELIVERY POINT**

Name of bidder.....	Bid number.....
Closing Time 11:00	Closing date.....

OFFER TO BE VALID FOR.....DAYS FROM THE CLOSING DATE OF BID.

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY ** (ALL APPLICABLE TAXES INCLUDED)
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.....
Required by:

At

Brand and model

.....
Country of origin

- Does the offer comply with the specification(s)? *YES/NO

- If not to specification, indicate deviation(s)

Period required for delivery

.....
*Delivery: Firm/not firm

Delivery basis

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

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

*Delete if not applicable

SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). 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. Identity Number:.....

3. Position occupied in the Company (director, trustee, shareholder², member):
.....

4. Registration number of company, enterprise, close corporation, partnership agreement or trust:
.....

5. TaxReferenceNumber:

6. VAT.Registration.Number:

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

¹"State" means –

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

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

2.7 Are you or any person connected with the bidder **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 attach 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:

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

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:

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

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?

9.1 If so, furnish particulars.

.....
.....

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?

10.1 If so, furnish particulars.

.....
.....

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?

11.1 If so, furnish particulars:

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

15.

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

Full Name	Identity Number	Personal Income Tax Reference Number	State Number	Employee Peral
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16. 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 SHOULD THIS

DECLARATION PROVE TO BE FALSE.

Signature.....

Date.....

.....
Position

.....
Name of bidder

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

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

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

1. GENERAL CONDITIONS

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

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

1.2 **To be completed by the organ of state**

(delete whichever is not applicable for this tender).

- a) 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 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc}
 \mathbf{1} & \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 \mathbf{P_s = 8(1 - \frac{P_t - P_{min}}{P_{min}})} & \mathbf{or} & \mathbf{P_s = 90(1 - \frac{P_t - P_{min}}{P_{min}})}
 \end{array}$$

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:

$$\begin{array}{ccc} 2 & 80/20 & \text{or} & 90/10 \\ \\ Ps = 8(1 + \frac{Pt - P_{max}}{P_{max}}) & \text{or} & & Ps = 90(1 + \frac{Pt - P_{max}}{P_{max}}) \end{array}$$

Where

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

4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Enterprises with ownership of 51% or more by person/s who are black person/s		10		
Enterprises with ownership of 51% or more by person/s who are women		5		
Enterprises with ownership of 51% or more by person/s who are youth		3		
Enterprises with ownership of 51% or more by person/s with disability		2		

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]



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

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

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

SURNAME AND NAME:

DATE:

ADDRESS:

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