



## public works & infrastructure

Department of  
Public Works & Infrastructure  
FREE STATE PROVINCE

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**THE DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE, FREE STATE  
HEREBY INVITES INTERESTED BIDDERS TO SUBMIT A PROPOSAL FOR THE LEASE  
OF CAFETERIA AT FIDEL CASTRO BUILDING IN BLOEMFONTEIN WITH TOTAL AREA  
162 M<sup>2</sup> FOR A PERIOD OF THREE (03) YEARS.**

**BID NUMBER : DPWFS RFP 014/2021**

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**ADVERT DATE:  
11 FEBRUARY 2022**

**CLOSING DATE AND TIME OF THE PROPOSAL:  
04 MARCH 2022 AT 11:00 AM**

**COMPULSORY CLARIFICATION MEETING:  
THE MEETING WILL BE HELD ON 23 FEBRUARY 2022 AT 10H00, FIDEL CASTRO  
BUILDING ON 24 FLOOR AT THE CAFETERIA IN BLOEMFONTEIN**

**VALIDITY PERIOD OF THE PROPOSAL:  
90 DAYS**

**ENQUIRIES**

**BIDDING PROCESS:**

MR. MOLEBATSI PHASUMANE – [phasumanem@fsworks.gov.za](mailto:phasumanem@fsworks.gov.za) OR 051 492 3862/066 307 2629

**TECHNICAL:**

MR. REUBEN THIBINYANE - [thibinyaner@fsworks.gov.za](mailto:thibinyaner@fsworks.gov.za) OR 051- 410 7539/ 0609770996

**PUBLIC NOTICE**  
**INVITATION TO TENDER**

**BID NUMBER: DPWFS RFP 014/2021**

**THE DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE, FREE STATE  
HERE-BY INVITES INTERESTED BIDDERS TO SUBMIT A PROPOSAL FOR THE  
LEASE OF CAFETERIA AT FIDEL CASTRO BUILDING IN BLOEMFONTEIN WITH  
TOTAL AREA 162 M<sup>2</sup> FOR A PERIOD OF THREE (03) YEARS.**

Tenders must be deposited **in the tender box situated** on the Ground floor, **O.R Tambo House, 1<sup>st</sup> St' Andrews Street**, tender document(s) must be **submitted** by no later than **11:00 am on 04 March 2022**.

Each tender must be submitted in a separate, clearly marked sealed envelope, addressed to: **Free State Department of Public work and Infrastructure. Ground Floor( Main Entrance Foyer) at OR Tambo House(Old Lebohang building) Cnr St Andrews street and Markgraaf Street, OR Tambo House, Room 101B, 1st Floor,Bloemfontein,9301.**

A compulsory clarification meeting will be held on **23 February 2022 AT 12:00**, Fidel Castro Building on 24 Floor at the Cafeteria in Bloemfontein at 10:00hrs. Failure to attend this clarification meeting will lead to disqualification.

Please note that tenders, which are not submitted in a properly sealed and marked envelope and / or are not deposited in the relevant tender box and / or are deposited after the closing date and time, will not be considered. Faxed tenders will not be considered.

**NOTE:**

- ❖ Bids are to be completed in accordance with the conditions and bid rules contained in the bid documents. Bid documents must be properly indexed and neatly bounded.
- ❖ Tax Clearance Certificates for Good Standing shall not be accepted.
- ❖ Bid documents will be available from **11 February 2022** at R107 cost.

**NB: PREFERENCE WILL BE GIVEN TO YOUTH AND WOMEN ENTREPRENEURS (YOUTH AND PEOPLE LEAVING WITH DISABILITY).**

The Department is not bound to accept any tender and reserves the right to accept any tender in whole or in part.

## **CONTENTS**

**SECTION 1: \_\_\_\_\_ INVITATION TO TENDER AND RETURNABLE DOCUMENTS**

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**SECTION 4: \_\_\_\_\_ GENERAL CONDITIONS OF CONTRACT**

## **SECTION 1: RETURNABLE DOCUMENTS**

## **Returnable Documents**

Returnable Documents will be used for tender evaluation purposes and be incorporated into the contract  
The tenderer must return the following returnable documents legibly completed and signed in **FULL**.

1. All documents stated on Mandatory requirement and non-mandatory requirements above.
2. Resolution of Board of Directors
3. Resolution of Board of Directors to enter into Consortia Or Joint Ventures (in case of Joint Venture or Consortia)
4. Special Resolution of Consortia or Joint Ventures.
5. Certified B-BBEE Certificate issued by a South African National Accreditation System (SANAS) where Consortium / Joint Venture are involved Bidders are to hand in their consolidated B-BBEE certificates.
6. Standard Bidding Document 1 (SBD 1) – Invitation to Bid
7. Standard Bidding Document 4 (SBD 4) – Declarations of Interest
8. Standard Bidding a Document 6.1 (SBD 6.1) – Preference points claim form in terms of the Preferential Procurement Regulations 2017.
9. Standard Bidding Document 8 (SBD 8) – Declaration Of Bidder's Past Supply Chain Management Practices
10. Standard Bidding Document 9(SBD 9) – Certificate Of Independent Bid Determination
11. Record of Addenda to tender documents
12. Proposed amendments and qualifications
13. Preferencing schedule: Broad Based Black Economic Empowerment Status
14. Compulsory Declaration

**THE BIDDER MUST COMPLETE AND/OR SUBMIT THE FOLLOWING DOCUMENTS, FAILURE WHICH WILL LEAD TO DISQUALIFICATION:**

| <b>Bid Document Name:</b> DPWFS (RFP) 014/2021                        |           | <b>Number of Pages:</b> | <b>Returnable document:</b> |
|-----------------------------------------------------------------------|-----------|-------------------------|-----------------------------|
| Invitation to tender                                                  |           | 1 Page                  | <input type="checkbox"/>    |
| SBD 1: Invitation to Bid                                              |           | 2 Pages                 | <input type="checkbox"/>    |
| SBD 4: Declarations of Interest                                       |           | 4 Pages                 | <input type="checkbox"/>    |
| SBD 6.1: Preference Points Claim Form in terms of the PPR 2017        |           | 4 Pages                 | <input type="checkbox"/>    |
| SBD 8: Declaration Of Bidder's Past Supply Chain Management Practices |           | 2 Pages                 | <input type="checkbox"/>    |
| SBD 9: Certificate Of Independent Bid Determination                   |           | 3 Pages                 | <input type="checkbox"/>    |
| Resolution of Board of Directors                                      |           | 1 Page                  | <input type="checkbox"/>    |
| Resolution of Board of Directors to enter into Consortia or JV        |           | 3 Pages                 | <input type="checkbox"/>    |
| Special Resolution of Consortia or Joint Venture                      |           | 2 Pages                 | <input type="checkbox"/>    |
| Record of addenda to tender documents                                 |           | 1 Page                  | <input type="checkbox"/>    |
| Proposed amendments and qualifications                                |           | 1 Page                  | <input type="checkbox"/>    |
| Preferencing schedule : Broad based Economic Empowerment Status       |           | 2 Pages                 | <input type="checkbox"/>    |
| Compulsory Enterprise Questionnaire                                   |           | 4 Pages                 | <input type="checkbox"/>    |
| Annual Financial Declaration                                          |           | 1 Page                  | <input type="checkbox"/>    |
| Schedule of Tenderer's Experience                                     |           | 4 Pages                 | <input type="checkbox"/>    |
| Terms of Reference                                                    |           | 5 Pages                 | <input type="checkbox"/>    |
| Evaluation criteria for the RFP                                       |           | 4 Pages                 | <input type="checkbox"/>    |
| Bid offer                                                             |           | 1 Page                  | <input type="checkbox"/>    |
|                                                                       |           | 4 Pages                 | <input type="checkbox"/>    |
|                                                                       |           |                         |                             |
|                                                                       |           |                         |                             |
| Name of Bidder                                                        | Signature | Date                    |                             |

**PART A**  
**INVITATION TO BID**

|                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                               |               |                                                                          |                                                                            |                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------------------|
| <b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>                                                                                                                           |                                                                                                                                                                                                                                                               |               |                                                                          |                                                                            |                                                                          |
| BID NUMBER:                                                                                                                                                                                                                | DPWFS RFP 014/2021                                                                                                                                                                                                                                            | CLOSING DATE: | 04 March 2022                                                            | CLOSING TIME:                                                              | 11:00                                                                    |
| DESCRIPTION                                                                                                                                                                                                                | THE DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE, FREE STATE HEREBY INVITES INTERESTED BIDDERS TO SUBMIT A PROPOSAL FOR THE LEASE OF CAFETERIA AT FIDEL CASTRO BUILDING IN BLOEMFONTEIN WITH TOTAL AREA 162 M <sup>2</sup> FOR A PERIOD OF THREE (03) YEARS. |               |                                                                          |                                                                            |                                                                          |
| <b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>                                                                                                                                 |                                                                                                                                                                                                                                                               |               |                                                                          |                                                                            |                                                                          |
| Ground Floor (Main Entrance Foyer)                                                                                                                                                                                         |                                                                                                                                                                                                                                                               |               |                                                                          |                                                                            |                                                                          |
| O.R Tambo House (Lebohang Building);                                                                                                                                                                                       |                                                                                                                                                                                                                                                               |               |                                                                          |                                                                            |                                                                          |
| Cnr. Markgraaff and St Andrews Street,                                                                                                                                                                                     |                                                                                                                                                                                                                                                               |               |                                                                          |                                                                            |                                                                          |
| Bloemfontein, 9301                                                                                                                                                                                                         |                                                                                                                                                                                                                                                               |               |                                                                          |                                                                            |                                                                          |
| <b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>                                                                                                                                                                      |                                                                                                                                                                                                                                                               |               | <b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>                           |                                                                            |                                                                          |
| CONTACT PERSON                                                                                                                                                                                                             | Mr Molebatsi Phasumane                                                                                                                                                                                                                                        |               | CONTACT PERSON                                                           | Mr Rueben Thibinyane                                                       |                                                                          |
| TELEPHONE NUMBER                                                                                                                                                                                                           | 051 492 3861 / 066 307 2629                                                                                                                                                                                                                                   |               | TELEPHONE NUMBER                                                         | 051 410 7539 / 0609770996                                                  |                                                                          |
| FACSIMILE NUMBER                                                                                                                                                                                                           |                                                                                                                                                                                                                                                               |               | FACSIMILE NUMBER                                                         |                                                                            |                                                                          |
| E-MAIL ADDRESS                                                                                                                                                                                                             | <a href="mailto:phasumanem@fsworks.gov.za">phasumanem@fsworks.gov.za</a>                                                                                                                                                                                      |               | E-MAIL ADDRESS                                                           | <a href="mailto:thibinyaner@fsworks.gov.za">thibinyaner@fsworks.gov.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                                                                     |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE                                                                                                                                                                               | TICK APPLICABLE BOX]<br><br>Yes                      No                                                                                                                                                                                                       |               | B-BBEE STATUS LEVEL SWORN AFFIDAVIT                                      |                                                                            | [TICK APPLICABLE BOX]<br><br>Yes                      No                 |
| <b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>                                                      |                                                                                                                                                                                                                                                               |               |                                                                          |                                                                            |                                                                          |
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?                                                                                                                              | Yes                      No<br>[IF YES ENCLOSE PROOF]                                                                                                                                                                                                         |               | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? |                                                                            | Yes                      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)?                                                                                                                                                            |                                                                                                                                                                                                                                                               |               |                                                                          | 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                                                                   |                                                                          |
| <b>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.</b> |                                                                                                                                                                                                                                                               |               |                                                                          |                                                                            |                                                                          |
|                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                               |               |                                                                          |                                                                            |                                                                          |

**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, 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](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: .....

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



## 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 the appropriate authority to undertake remunerative work outside employment in the public sector? YES / NO

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

(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 / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? YES / NO

2.8.1 If so, furnish particulars:

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

2.9 Do you, or any person connected with the bidder, have 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? YES / NO

2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder, 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? YES/NO

2.10.1 If so, furnish particulars.

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

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

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 |
|-----------|-----------------|-------------------------------|---------------------------------------|
|           |                 |                               |                                       |

[illegible]

**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

## PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017 (a)

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

### 1. GENERAL CONDITIONS

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

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

1.2

- a) The value of this bid is estimated to be between R30 000 and R50 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (b) Price; and
- (c) B-BBEE Status Level of Contributor.

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

|                                                   | POINTS |
|---------------------------------------------------|--------|
| PRICE                                             | 80     |
| B-BBEE STATUS LEVEL OF CONTRIBUTOR                | 20     |
| Total points for Price and B-BBEE must not exceed | 100    |

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution 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

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“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 goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.

- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

### 3. POINTS AWARDED FOR PRICE

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

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

**80/20**

**or**

**90/10**

$$P_{S=8} \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_{S=9} \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

Ps = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

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

#### 4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

| B-BBEE Status Level of Contributor | Number of points (90/10 system) | Number of points (80/20 system) |
|------------------------------------|---------------------------------|---------------------------------|
| 1                                  | 10                              | 20                              |
| 2                                  | 9                               | 18                              |
| 3                                  | 6                               | 14                              |
| 4                                  | 5                               | 12                              |
| 5                                  | 4                               | 8                               |
| 6                                  | 3                               | 6                               |
| 7                                  | 2                               | 4                               |
| 8                                  | 1                               | 2                               |
| Non-compliant contributor          | 0                               | 0                               |

## 5. BID DECLARATION

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

**6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

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

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

## 7. SUB-CONTRACTING

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

(Tick applicable box)

|     |  |    |  |
|-----|--|----|--|
| YES |  | NO |  |
|-----|--|----|--|

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted..... %
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

|     |  |    |  |
|-----|--|----|--|
| YES |  | NO |  |
|-----|--|----|--|

- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

| Designated Group: An EME or QSE which is at last 51% owned by:    | EME<br>√ | QSE<br>√ |
|-------------------------------------------------------------------|----------|----------|
| Black people                                                      |          |          |
| Black people who are youth                                        |          |          |
| Black people who are women                                        |          |          |
| Black people with disabilities                                    |          |          |
| Black people living in rural or underdeveloped areas or townships |          |          |
| Cooperative owned by black people                                 |          |          |
| Black people who are military veterans                            |          |          |
| OR                                                                |          |          |
| Any EME                                                           |          |          |
| Any QSE                                                           |          |          |

## 8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 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 paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) 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
  - (e) forward the matter for criminal prosecution.

WITNESSES

1. ....

2. ....

.....

SIGNATURE(S) OF BIDDERS(S)

DATE: .....

ADDRESS .....

.....

.....



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

- 1 This Standard Bidding 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 bidder may be disregarded if that bidder, 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 bidder 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><b>(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).</b></p> <p>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.</p> | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.1.1 | If so, furnish particulars:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                 |                                |
| 4.2   | <p>Is the bidder 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<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.2.1 | If so, furnish particulars:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                 |                                |
| 4.3   | Was the bidder 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?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.3.1 | If so, furnish particulars:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                 |                                |
| 4.4   | Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Yes<br><input type="checkbox"/> | No<br><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 Bidder**

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding 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 bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This 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:

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

<sup>2</sup> Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

<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.

**Record of Addenda to tender documents**

We confirm that the following communications received from the Employer before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer:

|     | Date | Title of Details |
|-----|------|------------------|
| 1.  |      |                  |
| 2.  |      |                  |
| 3.  |      |                  |
| 4.  |      |                  |
| 5.  |      |                  |
| 6.  |      |                  |
| 7.  |      |                  |
| 8.  |      |                  |
| 9.  |      |                  |
| 10. |      |                  |

Attach additional pages if more space is required.

Signed.....

Date.....

Name.....

Position.....

Tenderer.....

**Proposed amendments and qualifications**

The Tenderer should record any deviations or qualifications he may wish to make to the tender documents in this Returnable Schedule. Alternatively, a tenderer may state such deviations and qualifications in a covering letter to his tender and reference such letter in this schedule.

The Tenderer's attention is drawn to clause 5.8 of SANS 10845-3 regarding the employer's handling of material deviations and qualifications.

| Page | Clause or item | Proposal |
|------|----------------|----------|
|      |                |          |

Signed.....Date.....

Name.....Position.....

Tenderer.....

## Compulsory Declaration

The following particulars must be furnished. In the case of a joint venture, separate declarations in respect of each partner must be completed and submitted.

### Section 1: Enterprise details

|                    |  |
|--------------------|--|
| Name of enterprise |  |
| Contact person     |  |
| Email              |  |
| Telephone          |  |
| Cell               |  |
| Fax                |  |
| Physical address   |  |
| Postal address     |  |

### Section 2: Particulars of companies and close corporations

|                                                  |  |
|--------------------------------------------------|--|
| Company / Closed Corporation registration number |  |
|--------------------------------------------------|--|

### Section 3: SARS information

|                         |                                                  |
|-------------------------|--------------------------------------------------|
| Tax reference number    |                                                  |
| VAT registration number | (state Not Registered if not registered for VAT) |

### Section 4: CIDB registration number

|                                          |  |
|------------------------------------------|--|
| CIDB Registration number (if applicable) |  |
|------------------------------------------|--|

### Section 5: Particulars of principals

**principal:** means a natural person who is a partner in a partnership, a sole proprietor, a director of a company established in terms of the Companies Act of 2008 (Act No. 71 of 2008) or a member of a close corporation registered in terms of the Close Corporations Act, 1984, (Act No. 69 of 1984).

| Full name of principal | Identity number | Personal tax reference number |
|------------------------|-----------------|-------------------------------|
|                        |                 |                               |
|                        |                 |                               |
|                        |                 |                               |
|                        |                 |                               |
|                        |                 |                               |
|                        |                 |                               |
|                        |                 |                               |
|                        |                 |                               |

Attach separate page if necessary



**Section 6: Record in the service of the state**

Indicate, by marking the relevant boxes with a cross, if any principal is currently or has been within the last 12 months in the service of any of the following:

- |                                                                                                 |                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> a member of any municipal council                                      | <input type="checkbox"/> an employee of any department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act of 1999 (Act No. 1 of 1999) |
| <input type="checkbox"/> a member of any provincial legislature                                 |                                                                                                                                                                                                                |
| <input type="checkbox"/> a member of the National Assembly or the National Council of Provinces | <input type="checkbox"/> a member of an accounting authority of any national or provincial public entity                                                                                                       |
| <input type="checkbox"/> a member of the board of directors of any Municipal entity             | <input type="checkbox"/> an employee of Parliament of a provincial legislature                                                                                                                                 |
| <input type="checkbox"/> an official of any municipality or municipal entity                    |                                                                                                                                                                                                                |

If any of the above boxes are marked, disclose the following:

| Name of principal | Name of institution, public office, board or organ of state and position held | Status of service<br>(tick appropriate column) |                       |
|-------------------|-------------------------------------------------------------------------------|------------------------------------------------|-----------------------|
|                   |                                                                               | Current                                        | Within last 12 months |
|                   |                                                                               |                                                |                       |
|                   |                                                                               |                                                |                       |
|                   |                                                                               |                                                |                       |
|                   |                                                                               |                                                |                       |
|                   |                                                                               |                                                |                       |

Attach separate page if necessary

**Section 7: Record of family member in the service of the state**

**family member:** a person's spouse, whether in a marriage or in a customary union according to indigenous law, domestic partner in a civil union, or child, parent, brother, sister, whether such a relationship results from birth, marriage or adoption

Indicate, by marking the relevant boxes with a cross, if any family member of a principal as defined in section 5 is currently or has been within the last 12 months in the service of any of the following:

- |                                                                                                 |                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> a member of any municipal council                                      | <input type="checkbox"/> an employee of any department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act of 1999 (Act No. 1 of 1999) |
| <input type="checkbox"/> a member of any provincial legislature                                 |                                                                                                                                                                                                                |
| <input type="checkbox"/> a member of the National Assembly or the National Council of Provinces | <input type="checkbox"/> a member of an accounting authority of any national or provincial public entity                                                                                                       |
| <input type="checkbox"/> a member of the board of directors of any Municipal entity             | <input type="checkbox"/> an employee of Parliament of a provincial legislature                                                                                                                                 |
| <input type="checkbox"/> an official of any municipality or municipal entity                    |                                                                                                                                                                                                                |

If any of the above boxes are marked, disclose the following:

| Name of family member | Name of institution, public office, board or organ of state and position held | Status of service<br>(tick appropriate column) |                       |
|-----------------------|-------------------------------------------------------------------------------|------------------------------------------------|-----------------------|
|                       |                                                                               | Current                                        | Within last 12 months |
|                       |                                                                               |                                                |                       |
|                       |                                                                               |                                                |                       |
|                       |                                                                               |                                                |                       |
|                       |                                                                               |                                                |                       |
|                       |                                                                               |                                                |                       |

Attach separate page if necessary

**Section 8: Record of termination of previous contracts with an organ of state**

Was any contract between the tendering entities, including any of its joint venture partners, terminated during the past five years for reasons other than the employer no longer requiring such works or the employer failing to make payment in terms of the contract?

☐ Yes      ☐ No (tick appropriate box)

If yes, provide particulars (insert separate page if necessary)

**Section 9: Declaration**

The undersigned, who warrants that he/she is duly authorized to do so on behalf of the tendering entity, confirms that the contents of this Declaration are within my personal knowledge, save where stated otherwise in an attachment hereto, and to the best of my belief is both true and correct, and that:

- i) neither the name of the tendering entity, nor any of its principals, appears on:
  - a) the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004 (Act No. 12 of 2004); or
  - b) National Treasury's Database of Restricted Suppliers (see [www.treasury.gov.za](http://www.treasury.gov.za))
- ii) the tendering entity or any of its principals has not been convicted of fraud or corruption by a court of law (including a court outside of the Republic of South Africa) within the last five years;
- iii) any principal who is presently employed by the state has the necessary permission to undertake remunerative work outside such employment (attach permission to this declaration);
- iv) the tendering entity is not associated, linked or involved with any other tendering entities submitting tender offers;
- v) the tendering entity has not engaged in any prohibited restrictive horizontal practices, including consultation, communication, agreement, or arrangement with any competing or potential tendering entity regarding prices, geographical areas in which goods and services will be rendered, approaches to determining prices or pricing parameters, intentions to submit a tender or not, the content of the submission (specification, timing, conditions of contract, etc.) or intention to not win a tender;
- vi) the tendering entity has no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest;
- vii) neither the tenderer nor any of its principals owes municipal rates and taxes or municipal service charges to any municipality or a municipal entity, and are not in arrears for more than three months;
- viii) SARS may, on an on-going basis during the term of the contract, disclose the tenderer's tax compliance status to the Employer and, when called upon to do so, obtain the written consent of any subcontractors who are subcontracted to execute a portion of the contract that is entered into in excess of the threshold prescribed by National Treasury, for SARS to do likewise.

Signed.....

Date.....

Name.....

Position.....

Enterprise name.....

**NOTE 1:** The Standard Conditions of Tender contained in SANS 10845-3 prohibits anticompetitive practices (clause 3.1) and requires that tenderers avoid conflicts of interest, only submit a tender offer if the tenderer or any of his principals is not under any restriction to do business with the Employer (4.1.1) and submit only one tender either as a single tendering entity or as a member in a joint venture (clause 4.13.1). Clause 5.7 also empowers the Employer to disqualify any tenderer who engages in fraudulent and corrupt practice. Clause 3.1 also requires tenderers to comply with all legal obligations.

**NOTE 2:** Section 30(1) of the Public Service Act, 1994, prohibits an employee (person who is employed in posts on the establishment of departments) from performing or engaging remunerative work outside his or her employment in the relevant department, except with the written permission of the executive authority of the department. When in operation, Section 8(2) of the Public Administration Management Act, 2014, will prohibit an employee of the public administration (i.e. municipalities and all national departments, national government components listed in Part A of Schedule 3 to the Public Service Act, provincial departments including the office of the premier listed in Schedule 1 of the Public Service Act and provincial departments listed in schedule 2 of the Public Service Act, and provincial government components listed in Part B of schedule 3 of the Public Service Act) or persons contracted to executive authorities in accordance with the provisions of section 12A of the Public Service Act of 1994 or persons performing similar functions in municipalities, from conducting business with the State or to be a director of a public or private company conducting business with the State. The offence for doing so is a fine or imprisonment for a

period not exceeding five years, or both. It is also a serious misconduct which may result in the termination of employment by the employer.

**NOTE 3:** Regulation 44 of Supply Chain Management regulations issued in terms of the Municipal Finance Management Act of 2003 requires that municipalities and municipal entities should not award a contract to a person who is in the service of the State, a director, manager or principal shareholder in the service of the State or who has been in the service of the State in the previous twelve months.

**NOTE 4:** Regulation 45 of Supply Chain Management regulations requires a municipality or municipal entity to disclose in the notes to the annual statements particulars of any award made to a close family member in the service of the State.

**NOTE 5:** Corrupt activities which give rise to an offence in terms of the Prevention and Combating of Corrupt Activities Act of 2004, include improperly influencing in any way the procurement of any contract, the fixing of the price, consideration or other moneys stipulated or otherwise provided for in any contract, and the manipulating by any means of the award of a tender.

**NOTE 6:** Section 4 of the Competition Act of 1998 prohibits restrictive horizontal practice, including agreements between parties in a horizontal relationship, which have the effect of substantially preventing or lessening competition, directly, or indirectly fixing prices or dividing markets or constituting collusive tendering. Section 5 also prohibits restrictive vertical practices. Any restrictive practices that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties.

## Annual Financial Statements Declaration

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

- 1) The enterprise's financial year end is .....
- 2) The enterprise's financial statements have been prepared in accordance with the provisions of the Companies Act of 2008 or the Close Corporation Act of 1984, as applicable
- 3) The enterprise has compiled its financial accounts [tick one box]:  
☐ internally ☐ independently
- 4) The following statement applies to the enterprise [tick one box and provide relevant information]  
☐ enterprise has had its financial statements audited;  
name of auditor .....  
☐ enterprise is required by law to have an independent review of its financial statements  
name of independent reviewer .....  
☐ enterprise has not had its financial statements audited and is not required by law to have an independent review or audit of such statements
- 5) The attached income statement and balance sheet is a true extract from the financial statements complying with applicable legislation for the preceding financial year within 12 months of the financial year end.  
*[Attach the income statement and the balance sheet contained in the financial statement]*
- 6) The annual turnover for the last financial year is R .....
- 7) The total assets as at the end of the last financial year is R .....
- 8) The total liabilities as at the end of the financial year is R .....

I hereby declare that the contents of this Declaration are within my personal knowledge, and save where stated otherwise are to the best of my belief both true and correct.

Signed

Date

Name

Position

*Tenderer*

## RESOLUTION OF BOARD OF DIRECTORS

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

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

(legally  
correct full name and registration number, if applicable, of the Enterprise)

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

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

### RESOLVED that:

- 1 The Enterprise submits a Tender to the Department of Public Works and Infrastructure, Free State Province in respect of the following project:

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

(project  
description as per Tender Document)

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

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

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

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

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

|   | Name | Capacity | Signature |
|---|------|----------|-----------|
| 1 |      |          |           |
| 2 |      |          |           |
| 3 |      |          |           |
| 4 |      |          |           |
| 5 |      |          |           |
| 6 |      |          |           |
| 7 |      |          |           |
| 8 |      |          |           |

#### Note:

- \* Delete which is not applicable.
- NB.** This resolution must be signed by all the Directors / Members / Partners of the Tendering Enterprise

#### ENTERPRISE STAMP

|  |
|--|
|  |
|--|

## RESOLUTION OF BOARD OF DIRECTORS TO ENTER INTO CONSORTIA OR JOINT VENTURES

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

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

held at \_\_\_\_\_ (place) on

(date) **RESOLVED that:**

1 The Enterprise submits a Tender, in consortium/joint venture with the following Enterprises:

\_\_\_\_\_  
\_\_\_\_\_  
(List all the legally correct full names and registration numbers, if applicable, of the Enterprises forming the consortium/joint venture)

to the Department of Public Works and Infrastructure, Free State Province in respect of the following project:

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

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

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

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

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

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

3 The Enterprise accept joint and several liability with the parties listed under item 1 above for the due fulfilment of the obligations of the joint venture deriving from, and in any way connected with, the Contract to be entered into with the Department in respect of the project described under item 1 above.

4 The Enterprise choose as its *domicilium citandi et executandi* for all purposes arising from this joint venture agreement and the Contract with the Department in respect of the project under item 1 above:

Physical address:

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

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

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

Telephone number: \_\_\_\_\_ code)

Fax number: \_\_\_\_\_  
(code)

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

**Note:**

1. \* Delete which is not applicable.
2. **NB.** This resolution must be signed by all the Directors / Members / Partners of the Tendering Enterprise.
3. Should the number of Directors / Members / Partners exceed the space available above, additional names, capacity and signatures must be supplied on a separate page.

**ENTERPRISE STAMP**

|  |
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**Schedule of the Tenderer's Experience (Particulars of Tenderers Projects)**

|                                                |                                                                                                                                                                                                                                                                     |                         |                      |
|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|----------------------|
| <b>FORM: PARTICULARS OF TENDERERS PROJECTS</b> |                                                                                                                                                                                                                                                                     |                         |                      |
| <b>Project title:</b>                          | <b>THE DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE, FREE STATE HEREBY INVITES INTERESTED BIDDERS TO SUBMIT A PROPOSAL FOR THE LEASE OF CAFETERIA AT FIDEL CASTRO BUILDING IN BLOEMFONTEIN WITH TOTAL AREA 162 M<sup>2</sup> FOR A PERIOD OF THREE (03) YEARS.</b> |                         |                      |
| <b>Tender no:</b>                              | <b>DPWFS (RFP) 014/2021</b>                                                                                                                                                                                                                                         | <b>Closing date:</b>    | <b>04 March 2022</b> |
| <b>Advertising date:</b>                       | <b>11 February 2022</b>                                                                                                                                                                                                                                             | <b>Validity period:</b> | <b>90 days</b>       |

*Note: The Tenderer is required to furnish the following particulars and to attach additional pages if more space is required. Failure to furnish the particulars will result in the tender offer being disqualified from further consideration.*

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

**1.1. Current projects: Appointment letter(s) must be provided to buttress the information supplied below.**

| Projects of the same nature currently engaged in | Name of Employer or Representative of Employer | Contact tel. no. | Contract sum | Contractual commencement date | Contractual completion date | Present progress |
|--------------------------------------------------|------------------------------------------------|------------------|--------------|-------------------------------|-----------------------------|------------------|
| 1                                                |                                                |                  |              |                               |                             |                  |
| 2                                                |                                                |                  |              |                               |                             |                  |
| 3                                                |                                                |                  |              |                               |                             |                  |
| 4                                                |                                                |                  |              |                               |                             |                  |
| 5                                                |                                                |                  |              |                               |                             |                  |

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|                  |           |      |
|------------------|-----------|------|
|                  |           |      |
| Name of Tenderer | Signature | Date |

1.2. **Completed projects: Both appointment letter(s) and completion certificates linked to the project(s) listed below must be provided to buttress the information provided.**

| Projects of the same nature completed in the previous 5 (five) years |  | Name of Employer or Representative of Employer | Contact tel. no. | Contract sum | Contractual commencement date | Contractual completion date | Date of Certificate of Practical Completion |
|----------------------------------------------------------------------|--|------------------------------------------------|------------------|--------------|-------------------------------|-----------------------------|---------------------------------------------|
| 1                                                                    |  |                                                |                  |              |                               |                             |                                             |
| 2                                                                    |  |                                                |                  |              |                               |                             |                                             |
| 3                                                                    |  |                                                |                  |              |                               |                             |                                             |
| 4                                                                    |  |                                                |                  |              |                               |                             |                                             |
| 5                                                                    |  |                                                |                  |              |                               |                             |                                             |
| 6                                                                    |  |                                                |                  |              |                               |                             |                                             |
| 7                                                                    |  |                                                |                  |              |                               |                             |                                             |
| 8                                                                    |  |                                                |                  |              |                               |                             |                                             |
| 9                                                                    |  |                                                |                  |              |                               |                             |                                             |
| 10                                                                   |  |                                                |                  |              |                               |                             |                                             |

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|                  |           |      |
| Name of Tenderer | Signature | Date |

## **SECTION 2: TERMS OF REFERENCE**



## **public works & infrastructure**

Department of  
Public Works & Infrastructure  
FREE STATE PROVINCE

FREE STATE DEPARTMENT OF PUBLIC WORKS AND  
INFRASTRUCTURE

**REQUEST FOR PROPOSAL (RFP)**

**CAFETERIA AT FIDEL CASTRO BUILDING IN BLOEMFONTEIN IN THE  
FREE STATE**

**PROVINCE**

## 1. Introduction

The Department of Public Works and Infrastructure is requesting proposals from qualified and appropriately registered companies to enter into a three (03) years lease contract with an option to renew on its expiry date. The successful Bidder will be expected to provide an efficient, convenient and nutritious food and beverages for employees and visitors at Cafeteria at Fidel Castro Building in Bloemfontein.

## 2. Definitions

In addition to the Definitions presented in the General Conditions of Bid, and unless in this Bid the context otherwise requires or admits, the following words and/or expressions shall have the meanings respectively ascribed to them below.

Where the context requires, words importing the singular number shall include the plural and vice versa

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Bid Period</b>               | Means the period from the Bid Date to the date that the Bid expires                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Building</b>                 | Various government buildings across the province                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Clean</b>                    | means free from any dirt, impurity, objectionable matter or contamination to the extent that a state of hygiene is attained                                                                                                                                                                                                                                                                                                                             |
| <b>Food</b>                     | a foodstuff intended for human consumption as defined in Section 1 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972)                                                                                                                                                                                                                                                                                                        |
| <b>Food premises</b>            | means an building or a place used for or in connection with the handling of food                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Good working environment</b> | application of principles of hygiene such as Hazard Analysis and Critical Control Point (HACCP) and safety to prevent contamination of food during the production and distribution process                                                                                                                                                                                                                                                              |
| <b>Service</b>                  | Any work, functions, tasks, services, and or goods to be performed, rendered and supplied by the Bidder/ contractor, including any subsequent variations or changes to such work, functions, tasks, or goods as may be agreed in terms of this agreement.                                                                                                                                                                                               |
| <b>Nuisance</b>                 | Any physical part (such as cistern, water closet, sink or drain) of the cafeteria or activities such as accumulation of refuse or any offensive activity so construed by the Environmental Health Practitioner or a Departmental representative during an inspection                                                                                                                                                                                    |
| <b>Perishable food</b>          | Any foodstuff on account of its composition, moisture content, ingredients and or pH value of its lack of preservative and suitable packaging is susceptible to an uninhibited increase in microbes thereon and therein if the foodstuff is kept within the temperature spectrum of 4 to 65 degrees Celsius, and it includes the perishable foodstuffs listed in Government Gazette No. R.1183 of June 1990, as amended, excluding fruit and vegetables |

## 3. Terms and conditions of the bid

### 3.1 Bid period

The Bid period will be three (3) years contract.

### 3.2 Special Conditions

No bidder/s with a previous bad payment record will be considered

The bid will be subject to the General Conditions of contract and other treasury regulations and instruction notes.

#### **4. Scope of service**

**The successful Bidder will be responsible for:**

- 4.1** Providing minimum required food service hours as per 6.1.1 and 6.1.2 ( on bid Document)
  - 4.1.1** Monday – Sunday: 07h00 – 17h00 (reasonable periods);
- 4.2** Keeping food and associated ingredients according to the required regulated standards;
- 4.3** Keeping perishable foods within the required temperature spectrum as per required regulatory standards;
- 4.4** Storing, displaying and serving food within the recommended temperature regulatory standards;
- 4.5** Providing accurate written daily records of temperature of fridges/freezers, display area and core temperature of prepared food and submitted to Municipal authorities in charge of tuck-shop lawful;
- 4.6** Providing resources including human and equipment on daily basis;
- 4.7** Personnel provided by the service provider shall in terms of the Bid be:
  - 4.7.1.1** Members of the South African Citizens or foreigners with valid documents e.g. work permit;
  - 4.7.1.2** Healthy and fit to work in a food environment;
  - 4.7.1.3** At all times be presentable and uphold the corporate image of entity and the Department of Health and the bidding company;
  - 4.7.1.4** Presentable and conform to corporate uniform (includes Personal Protective Clothing) and wear identity card at all times during the contract period, The information on the card must have at least the following information:
    - a.** Colour photograph;
    - b.** Full names and surname;
  - 4.7.1.5** Comply with the safety and security measures within the precinct of the Department of Public Works and Infrastructure premises.
- 4.8** Keeping the internal serving area, kitchen including fixtures, storage, equipment and dining area in an acceptable hygienic and safe condition throughout the contract period;
- 4.9** Prevent occurrence of any nuisance, offensive conditions and any other condition that could be harmful or dangerous to the health of any person within the premises;
- 4.10** Daily transportation of refuse to the refuse collection area;
- 4.11** Daily compliance with the requirements of the Regulation governing the general hygiene requirements for food premises and the transportation of food;
- 4.12** Daily compliance with all National, Provincial and Local health or health and safety regulations or by-laws on licensing requirements relating to food service operations and preparation, hygiene and maintenance of the kitchens, dining area, storage areas, personnel, clothing, etc;
- 4.13** Comply with all National, provincial and local regulations governing or relating to conditions of employment for its employees, including, but not limited to, the Labour Relations Act and its related regulations, Employment Equity Act, Occupational Health and Safety Act, Occupational Injuries and Diseases Act and related regulations, etc;
- 4.14** Comply with minimum wage requirements as prescribed in Labour Act and related Regulations or Wage Agreements;
- 4.15** Providing pest control service in line with the Departmental Policies and relevant legislation;
- 4.16** Employing environmentally sound practices and good working environment.

#### **5. Equipment supply**



- 5.1 Installation of any equipment shall be in line with the manufacturer's specifications and shall comply with Occupational Health and Safety Act and related Regulations and the South African National Standards. Proof of such compliance should be submitted to the Departmental authorised representative upon request;
- 5.2 If equipment is deemed to not be in good condition, then the cost to repair or replace damaged equipment shall be borne by the Bidder. Replacement equipment shall be of equal or greater quality and performance and shall be deemed as approved by Department of Public Works and Infrastructure prior to acceptance;
- 5.3 Electrical equipment/appliances connected to power points should not exceed 2 000 watts per power points without prior approval by the Departmental authorised representative;
- 5.4 Any augmentation to the floor, walls and ceiling should be done in consultation with the duly authorised representative of the Department of Public Works and Infrastructure. Any structural changes should not compromise or prejudice the health and safety of employees and breach the terms and conditions of the insurance policy requirements or may adversely affect the policy insurance premiums;
- 5.5 If available storage facility is not sufficient, the Bidder may provide additional storage facility at his own cost and should be jointly approved by the representative of the Department of Public Works and Infrastructure and the Bidder. The storage facility should not compromise the security and health and safety of employees, patients and or visitors;
- 5.6 Upon termination of the service, whether initiated or voluntary, the Bidder shall remove all equipment on the agreed inventory list and available stock within seven days of such termination. The Bidder shall during the handover period ensure that the premises are in a sound structural and hygienic condition to the satisfaction of both parties. Failures to do so, the Department of Public Works and Infrastructure will at the cost of the Bidder remove such equipment and ensure that the premises are in a sound structural and hygienic state.

## **6. Departmental owned equipment**

- 6.1 The cafeteria departmental owned equipment shall remain the sole property of the Department throughout the Bid Period;
- 6.2 The successful Bidder shall only use the departmental owned equipment for the purpose of providing, performing, rendering and supplying the services in terms of the agreement;
- 6.3 Before the successful bidder takes over the premises, Department and the successful Bidder will inspect the equipment and draw up an inventory which both parties will sign;
- 6.4 Existing Departmental own equipment must be maintained in accordance with the manufacturer's conditions. All equipment not serviced or maintained according to manufacturer conditions or damaged to the premises or building by the successful Bidder will be repaired or replaced for the account of the successful Bidder and to the satisfaction of the Department,
- 6.5 The successful Bidder shall maintain and repair departmental owned equipment at its own cost to the satisfaction of the Department;
- 6.6 The successful Bidder and the Department shall keep and maintain a register of existing Departmental owned equipment that is made available to the successful Bidder.
- 6.7 The representative of the Department and the successful Bidder shall on regular basis check the equipment status against the register;
- 6.8 Upon termination of this agreement for any reason, the successful Bidder shall return the existing Departmental own equipment to the Department, in good working condition, fair wear and tear accepted.

## **7. Green procurement**

- 7.1 The Bidder is required to employ environmentally sound business practices in order to reduce the adverse environmental impacts. The Bidder is required to purchase goods and services that do not negatively impact on the environment from manufacturers and suppliers who share the departmental environmental concern and commitment;
- 7.2 All cleaning products should be biodegradable and environmentally friendly.

## 8. Rollout period

- 8.1 The Bid shall have approximately 6 weeks to prepare the facilities and provide resources with all required supplies, signage, etc. prior to actual commencement of operations.

## 9. Termination

- 9.1 The FS Department of Public Works and Infrastructure may also consider termination of the contract pursuant to Clause 23 of the General Conditions of Contract.
- 9.2 Bidders should be cautioned that if the rental is not paid for 3 consecutive months without any arrangements being made with the Department the lease agreement will be automatically terminated.
- 9.3 The Department of Public Works and Infrastructure enter into a formal contract with successful qualified bidder who is appropriately registered companies into a three year contract with an option to renew on its expiry date

## 10. Preferences

Each bidder should note that preference will be given to People Living with Disability, youth and women entrepreneurs.

## 11. EVALUATION CRITERIA FOR THE RFP

- 11.1. The contract resulting from this RFP, if any, will be awarded to the most technically responsive Bidder offering the best value for money to the Department.
- 11.2. Proposals will be evaluated by a Bid Evaluation Committee. The main objective of the Bid Evaluation Committee will be the examination of each bid proposal to determine how effectively it satisfies the Department requirements. The evaluation of bid submissions will be conducted in three (3) phases:

| Phase:  | Details:                                                                                                                                                                                                                                                                  |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Stage 1 | <b>Mandatory requirement</b> - evaluation of bid submission - compliance with the set mandatory requirements and technical specification.                                                                                                                                 |
| Stage 2 | <b>Evaluation on Functionality</b> - This proposal will first be evaluated on the basis of functionality and bidders who fail to obtain a minimum of 98 points out of 130 points for functionality will not be considered for further evaluation on price and preference. |
| Stage 3 | <b>Price and preference</b> - evaluation of preferred bids in accordance to the Preferential Procurement Regulations of 2017 using 80/20 or 90/10 Preference points system                                                                                                |

### 11.2.1. Stage 1 - Mandatory requirements

The following mandatory requirements will be applicable for this contract.

Note: Bidders who fail to adhere to these minimum requirements will not be eligible for further evaluation on responsiveness, standard requirements, price and preference.

- a. Provide unique security personal identification number (PIN) issued by the South African Revenue Services and/or Central Supplier Database's MAAA number which will be used to verify valid tax compliance status of the bidding entity. (Where Consortium / Joint Venture / Sub-contractors are involved, each party to the association must have a compliant tax status which will be confirmed at the time of award).
- b. A valid proof of registration on the National Treasury's Central Supplier's Database must be accompany this bid (where Consortium / Joint Venture are involved, each party to the association must submit a separate or a unique security personal Identification number):

- i. If a tender is a JV or partnership, they are expected to register the joint venture or partnership on the CSD before award of this bid. The joint venture or partnership must therefore ensure they are issued with a valid Tax registration number and their preferred joint venture or partnership bank account has been validated on the CSD.
- c. Pre-qualification criteria for preferential procurement:
  - i. Only bidders who have B-BBEE level one (1) of contribution certificate will be considered, i.e. B-BBEE Certificate Level two (2) to eight (8) contribution will not be considered. (Where trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE Status Level Verification Certificate for every separate tender. An original or certified copy of the original must be attached.
  - ii. Only suitably qualifying EMEs and QSEs may attach a sworn affidavit signed by the EME / QSE representative and attested by a Commissioner of oaths.
- d. Attach a valid municipal services (water, sanitation, rates and electricity) clearance certificate or a current bill of account not owing more than ninety (90) days or a valid lease agreement with a current statement from the lessor not owing more than ninety(90) days.
- e. Duly signed and completed – SBD documents (SBD 1, SBD 4, SBD 8, and SBD 9).
- f. Duly signed and completed – Annual Financial Declaration.
- g. Attendance of the mandatory clarification meeting the details of which are listed in the tender notice and invitation.

#### **11.2.2. Stage 1 (b) - Non Mandatory requirements.**

- a. Completed and signed schedule of equipment offered.
- b. Completed and signed schedule of tender's schedule of experience.
- c. Duly completed and signed SBD 6.1 – Preference points claim form in terms of the Preferential Procurement Regulations 2017.
- d. A valid letter of good standing issued by the Department of Labour must accompany the bid:
  - i. Each bidder must provide proof of compliance to Compensation for Occupational Injuries and Diseases Act (COIDA).
- e. Letter of intent from Financial Institution/Bank or a Funder if you are not going to fund the development on your own.
- f. Original and Valid Bank Rating Certificate, in case of a Trust, JV or Consortium, Original and Valid Bank Rating Certificate of all partners of the Trust, JV or Consortium are to be attached (with an annexure attached clearly describing the financial position of each bidder).
- g. Attach stamped and signed appointment letters, Reference Letters and completion certificates where similar work was done.
- h. Duly completed and signed – Record of Addenda to tender documents.
- i. Duly completed and signed – Propose amendments and qualifications

#### **11.2.3. Stage 2 – Evaluation on Functionality**

- a. Evaluation process will be carried out as follows:
  - This proposal will first be evaluated on the basis of functionality and bidders who fail to obtain a minimum of 98 points out of 130 points for functionality will not be considered for further evaluation on price and preference.

| Criterion                   | Guideline for criterion                                                                                                  | Weight |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------|--------|
| Detailed business plan with | Provide detailed business plan with financial projection for the period of 5 years. Focusing on the following criterion: | 80     |

|                             |                                                                                                                                                                                                                                                                                                  |                                                                                                                                     |     |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|-----|
| clear timeframes            | Detailed business plan with clear timeframes which the bidder intends to operate from the facility                                                                                                                                                                                               |                                                                                                                                     |     |
|                             | <ul style="list-style-type: none"><li>• Business plan covering the following items:<ul style="list-style-type: none"><li>○ Financial capacity of the Lessee</li><li>○ Products / Services Analyses.</li><li>○ Operational strategy including costs.</li><li>○ SWOT Analysis.</li></ul></li></ul> | <ul style="list-style-type: none"><li>0 to 20 points</li><li>0 to 20 points</li><li>0 to 20 points</li><li>0 to 20 points</li></ul> |     |
| Health and Safety Plan      | Detailed Safety Health and Environment (SHE) programme to maintain safety and hygiene standards.                                                                                                                                                                                                 |                                                                                                                                     | 20  |
| Geographical area of bidder | Mangaung Metro based bidders - fully functional operational office in the Mangaung (CIPC registered address corresponding to municipal statement or lease agreement in the Mangaung Metro:                                                                                                       |                                                                                                                                     | 30  |
|                             | <ul style="list-style-type: none"><li>• Mangaung Metro = 30 points</li><li>• Not locally based = 0 points</li></ul>                                                                                                                                                                              |                                                                                                                                     |     |
| Total Points                |                                                                                                                                                                                                                                                                                                  |                                                                                                                                     | 130 |

The Scoring criteria will be as follows:

| Rating           | Score out of 5 | Score out of 20 | Approach and methodology                                                                                                                                                                                                                                                  |
|------------------|----------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Poor</b>      | 1              | 4               | The approach and / or methodology is poor / is very unlikely to satisfy project objectives or requirements. The tenderer has completely misunderstood all aspects of the scope of work and does not deal with any critical aspects of the project.                        |
| <b>Average</b>   | 2              | 8               | The approach and / or methodology is not good / is unlikely to satisfy project objectives or requirements. The tenderer has misunderstood certain aspects of the scope of work and does not deal with the critical aspects of the project.                                |
| <b>Good</b>      | 3              | 12              | The approach is generic and not tailored to address the specific project objectives and methodology. The approach does not adequately deal with the critical characteristics of the project. The quality plan, manner in which risk is to be managed etc, is too generic. |
| <b>Very Good</b> | 4              | 16              | The approach is specifically tailored to address the specific project objectives and methodology and is sufficiently flexible to accommodate changes that may occur during execution. The quality plan and                                                                |

|                  |   |    |                                                                                                                                                                                                                                                                                                    |
|------------------|---|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                  |   |    | approach to managing risk etc, is specifically tailored to the critical characteristics of the project.                                                                                                                                                                                            |
| <b>Excellent</b> | 5 | 20 | Besides meeting the “good” rating, the important issues are approached in an innovative and efficient way, indicating that the tenderer has outstanding knowledge of state-of-the- art approaches. The approach paper details ways to improve the project outcomes and the quality of the outputs. |

The undersigned, who warrants that he / she is duly authorized to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

#### 11.2.4. Stage 3 – Stage 3 - Evaluation on Price and Preference

##### a. Exemption

- i. The Minister of Finance has in terms of section 3(c) of the PPPFA, exempted organs of state from applying the formulae in regulations 6(1) and 7(1) of the 2017 Regulations when applying empowerment objectives **for disposal and leasing of state assets as well as other income generating tenders.**

##### b. Alternative Formulae

- i. Organs of state are advised to use the following formula to calculate the points for price in respect of a tender for the disposal or leasing of state assets or another income generating procurement with a Rand value equal to or above R30 000 and up to a Rand value of R50 million, inclusive of all applicable taxes.

$$Ps = 80 \left( 1 + \frac{Pt - Pmax}{Pmax} \right)$$

**Where**

Ps = Points scored for price of tender under consideration;

Pt = Price of tender under consideration; and

Pmax = Price of highest acceptable tender.

- ii. Allocation of B-BBEE points remains the same with the table provided in regulation 6(2) of the 2017 Regulations.
- iii. Organs of state are advised to use the formula in this paragraph to calculate points for price in respect of a tender for the disposal or leasing of state assets or another income generating procurement with a Rand value equal to or above R50 million, inclusive of all applicable taxes.

$$Ps = 90 \left( 1 + \frac{Pt - Pmax}{Pmax} \right)$$

- iv. Allocation of B-BBEE points remains the same as those provided in regulation 7(2) of the 2017 Regulations.

- v. Organs of state may negotiate a fair market price with the three preferred bidders in line with regulations 6(9) and 7(9) of 2017 Regulations, if the prices offered are below fair market prices.

### **SECTION 3: BID OFFER**

# BID OFFER

## 1. BID OFFER – CAFETERIA

|                   |                    |                  |               |
|-------------------|--------------------|------------------|---------------|
| Bid no:           | DPWFS RFP 014/2021 | Closing date:    | 04 March 2022 |
| Advertising date: | 11 February 2022   | Validity period: | 90 days       |

## 2. CAFETERIA PARTICULARS

|                                 |                |
|---------------------------------|----------------|
| Name of building                |                |
| Address of building             |                |
| Market Value of building        |                |
| Municipal valuation of building |                |
| Gross floor area of cafeteria   | m <sup>2</sup> |
| Date cafeteria may be occupied  |                |
| Commencement date of lease      |                |
| Lease period                    |                |
| Option period                   |                |
| Value Added Tax Number          |                |

## 3. RENTALS (CAFETERIA, STORES AND PARKING)

|                  | Cafeteria      | Stores         | Parking |
|------------------|----------------|----------------|---------|
| Lettable Area    | m <sup>2</sup> | m <sup>2</sup> |         |
| Parking bays     |                |                |         |
|                  |                |                |         |
| Rental per month | R              |                | R       |
| VAT per month    | R              |                | R       |
| Total per month  | R              |                | R       |

|                 |                   |                   |        |
|-----------------|-------------------|-------------------|--------|
| Tariffs         | R /m <sup>2</sup> | R /m <sup>2</sup> | R each |
| VAT             | R /m <sup>2</sup> | R /m <sup>2</sup> | R each |
| Total (1)       | R /m <sup>2</sup> | R /m <sup>2</sup> | R each |
| Escalation Rate | %                 | %                 | %      |

|                                                                          |                   |                   |  |
|--------------------------------------------------------------------------|-------------------|-------------------|--|
| Operating Costs ( <u>Provide / Attach details on what costs entail</u> ) | R /m <sup>2</sup> | R /m <sup>2</sup> |  |
|--------------------------------------------------------------------------|-------------------|-------------------|--|

|                             |                   |                   |        |
|-----------------------------|-------------------|-------------------|--------|
| VAT                         | R /m <sup>2</sup> | R /m <sup>2</sup> |        |
| Total (2)                   | R /m <sup>2</sup> | R /m <sup>2</sup> |        |
| Escalation Rate             | %                 |                   |        |
| Total (1 + 2)               | R /m <sup>2</sup> | R /m <sup>2</sup> | R each |
| Alteration Cost for Lessor: | R                 | R                 |        |

#### 4. RESPONSIBILITIES

Note: The state is not prepared to accept responsibility for services or costs involved as per grey areas. (Indicate where applicable)

| a. Services                  | State | Lessor | Estimated cost per month |
|------------------------------|-------|--------|--------------------------|
| i. Water consumption         |       |        |                          |
| ii. Electricity consumption  |       |        |                          |
| iii. Sanitary services       |       |        |                          |
| iv. Refuse removal           |       |        |                          |
| v. Domestic cleaning service |       |        |                          |
| vi. Consumable Supplies      |       |        |                          |

| b. Maintenance                  | State | Lessor | Estimated cost per month |
|---------------------------------|-------|--------|--------------------------|
| i. Internal maintenance         |       |        |                          |
| ii. External                    |       |        |                          |
| iii. Garden (If applicable)     |       |        |                          |
| iv. Air conditioning            |       |        |                          |
| v. Lifts                        |       |        |                          |
| vi. Floor covering: normal wear |       |        |                          |

| c. Rates and Insurance           | State | Lessor | Estimated cost per month |
|----------------------------------|-------|--------|--------------------------|
| i. Municipal rates & Increases   |       |        |                          |
| ii. Insurance & Increases        |       |        |                          |
| iii. SASRIA insurance + Increase |       |        |                          |

| d. Other Responsibilities    | a.State | Lessor | Estimated cost per month |
|------------------------------|---------|--------|--------------------------|
| i. Contract costs            |         |        |                          |
| ii. Stamp duty               |         |        |                          |
| iii. Fire fighting equipment |         |        |                          |
| iv. Cost of alterations      |         |        |                          |



**Note:** State is not prepared to accept responsibility for costs involved within grey coloured columns

|                                                                  |                              |                             |
|------------------------------------------------------------------|------------------------------|-----------------------------|
| Does the building comply with the National Building Regulations? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|------------------------------------------------------------------|------------------------------|-----------------------------|

## 5. NATIONAL BUILDING REGULATIONS:

|                                    |                              |                             |
|------------------------------------|------------------------------|-----------------------------|
| Electricity Compliance Certificate | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Fire Regulation                    | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Accessibility Regulation           | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Health and Safety Regulation       | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

## PARTICULARS FOR PAYMENT OF RENTAL:

|                                                   |  |
|---------------------------------------------------|--|
| Person/Organisation to whom cheque must be issued |  |
| Postal address                                    |  |
| Telephone no.                                     |  |
| Cell. No.                                         |  |
| e-mail address                                    |  |

## b.INCOME TAX REFERENCE NUMBER:

|                                                                                                              |           |      |
|--------------------------------------------------------------------------------------------------------------|-----------|------|
| INCOME TAX REFERENCE NUMBER (in terms of Section 69 of the Income Tax Act, 1962 (Act 58 of 1962) as amended) |           |      |
|                                                                                                              |           |      |
| Name of owner / Duly authorised representative                                                               | Signature | Date |

## 2.4. COMPLIANCE WITH ALL THE ACTS, REGULATIONS AND BY- LAWS GOVERNING THE BUILT ENVIRONMENT CERTIFICATE

|                          |                    |                         |               |
|--------------------------|--------------------|-------------------------|---------------|
| <b>Bid no:</b>           | DPWFS RFP 014/2021 | <b>Closing date:</b>    | 09 March 2022 |
| <b>Advertising date:</b> | 28 January 2022    | <b>Validity period:</b> | 90 DAYS       |

## COMPLIANCE WITH ALL THE ACTS, REGULATIONS AND BY- LAWS GOVERNING THE BUILT ENVIRONMENT

I, \_\_\_\_\_ duly authorised to represent

\_\_\_\_\_ (the bidders name) acknowledge that I as

\_\_\_\_\_ shall ensure that \_\_\_\_\_ (description of the property in question) complies in every respect with the requirements of the following Acts, Regulations and By - Laws:

- (i) Occupational Health and Safety Act, 1993. (Act 85 of 1993)
  - (ii) The National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977)
  - (iii) The Municipal by-laws and any special requirements of the local supply authority.
  - (iv) The local fire regulations, to guarantee/ensure the health and safety of all (employees and pupils) occupying this/these premises and the public visiting the premises for business or other purposes.
- I furthermore agree to advise the Department of Public Works and Infrastructure immediately in writing of any reason I am unable to perform in terms of this agreement and to apply the necessary corrective measures.

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

|                                        |           |      |
|----------------------------------------|-----------|------|
|                                        |           |      |
| Name owner / authorised representative | Signature | Date |

**1. WITNESS:**

|                 |           |      |
|-----------------|-----------|------|
|                 |           |      |
| Name of witness | Signature | Date |

**2. WITNESS:**

|                 |           |      |
|-----------------|-----------|------|
|                 |           |      |
| Name of witness | Signature | Date |

## **SECTION 4: GENERAL CONDITIONS OF CONTRACT**

The successful Bidder will be expected to enter into a Lease Agreement with the Department of Public Works and Infrastructure.