



**cooperative  
governance**  
Department:  
Cooperative Governance  
REPUBLIC OF SOUTH AFRICA



## **MUNICIPAL INFRASTRUCTURE SUPPORT AGENT**

Letaba House, Riverside Office Park, 1303 Heuwel Avenue, Centurion, 0046

Private Bag X105, Centurion, 0046 Tel: 012-848-5300

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## **MUNICIPAL INFRASTRUCTURE SUPPORT AGENT (MISA)**

**REFERENCE N0: MISA/HR/RH/013/2022/23**

### **APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE MUNICIPAL INFRASTRUCTURE SUPPORT AGENT WITH RESPONSE HANDLING AND EXECUTIVE SEARCH FOR A PERIOD OF THREE YEARS (36 MONTHS)**

**Dec 2022**

<b>Beneficiary</b>	Municipal Infrastructure Support Agent
<b>Contact Person</b>	Ms.Lumka Tyikwe : (012) 848 5325 <a href="mailto:lumka.tyikwe@misa.gov.za">lumka.tyikwe@misa.gov.za</a>
<b>Postal Address</b>	1303 Heuwel Avenue, Riverside Office Park, Letaba House, Centurion 0046
<b>Project Name</b>	Appointment of a Service Provider to support Municipal Infrastructure Support Agent with Response handling and Executive search for a period of 3 years (36 months)
<b>Reference No.</b>	<b>MISA/HR/RH/013/2022/23</b>
<b>Closing Date and</b>	19 January 2023 @ 11h00
<b>Briefing session</b>	12 December 2022 @ 12H00

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## **1. INVITATION**

The Municipal Infrastructure Support Agent (MISA) intends to appoint a service provider to support MISA with Response handling and Executive search.

## **2. DURATION**

The service provider is required to provide support for MISA with Response handling and Executive search for a period of thirty-six (36) months after signing of a contract.

## **3. BACKGROUND**

Municipal Infrastructure Support Agent (MISA) was established as a government component accountable to the Executive Authority of Cooperative Governance and Traditional Affairs (COGTA). MISA is a special purpose vehicle whose primary mandate is to coordinate and provide technical support to municipalities to facilitate sustainable municipal infrastructure provisioning and management. MISA's primary function is to support municipalities in infrastructure planning, development and management, operations and maintenance as well as building technical capacity for effective delivery and management of municipal infrastructure.

## **4. OBJECTIVES**

The objective of the terms of reference is to define the terms for sourcing a service provider to do response handling. MISA requires the services of an appropriate qualified service provider to provide response handling of applications and do executive search of personnel for a period of 36 months.

## **5. SCOPE OF WORK**

The service provider is required to submit a detailed proposal addressing all the required services as indicated below:

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- (a) The service provider must be able to deal with response handling— receiving, capturing, and sifting of applications including Young Graduates.
- (b) The service provider must be able to do professional executive search for Personnel including Management, Specialists and Technical posts per request.

The service provider must provide MISA with a detailed breakdown of costs each time it provides the recruitment agency services for the following:

- the response handling of advertised posts on the including Young Graduates; and
- the provision of a professional executive search service for specific identified high level management, specialist, and technical posts.

***Response Handling must cover (but not limited to) the following:***

- (a) Receiving of applications via the post, e-mail or fax
- (b) Sort and alphabetically arrange (scheduling) all the applications received
- (c) Capture the candidates' personal details (name, surname, race, gender, disability status, physical and postal address, email address, contact details etc.), qualifications, current and previous position, employment history and skills profile (Master list).
- (d) Providing MISA with 3 separate alphabetical lists of all candidates who applied for the posts. The lists should contain the following information:

**List 1:**

Candidates who should **seriously be considered** for short listing since their profiles **meet all the requirements** of the advertised post.

**List 2:**

Candidates who **could be considered** for short listing since their profiles **meet most of the requirements** of the advertised post.

**List 3:**

Candidates who **do not meet the requirements** of the advertised post.

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**The lists, including the applications (CV's, Z83, Qualifications and all personal documents), must be in alphabetical order and be submitted to MISA within 5 working days after the closing date of the advertisement. Any other arrangement should be agreed upon and be approved by MISA's Management in writing prior to the placement of the order.**

***Executive Search must cover (but not limited to) the following:***

- (i) Sourcing CVs for specific posts with the aim to identify the target group (that is from senior management level upwards and OSD posts).**
- (ii) Receiving, sorting and capturing alphabetically (scheduling) all the applications including the candidates' personal details, (name, surname, race, gender, disability status, physical and postal address, email address, contact details etc.), qualifications, current and previous position, employment history and skills profile.**
- (iii) Conduct an executive search for high-level candidates who meet the requirements of the posts.**
- (iii) Provide MISA with a full alphabetical list of CVs that were sourced.**
- (iv) Provide MISA with a final list of top candidates with reference checks who best meet the requirements and to be considered in the final shortlist.**

**Decisions on the final shortlists and the selection processes will be dealt with by MISA respectively.**

## **6. PROJECT OUTPUT AND / OUTCOMES**

**(a) The successful bidder must be able to provide the availability of the services required by MISA on a continuous basis within the specified period, to:**

- (i) Assist MISA with response handling by receiving applications via the post, e-mail or fax and alphabetically arrange (scheduling) all the applications including the candidates' personal details, qualifications, current and previous position, employment history and skills profile in terms of List A (candidates who meet all the requirements of the advertised post), List B (candidates who meet**

some of the requirements of the advertised post) and List C (candidates who do not meet the requirements of the advertised post; and

- (ii) Provide specialised executive search for specific identified posts.

(b) The turn-around time on response handling should be 5 working days after the closing date of the advertisement. Any other arrangement should be agreed upon prior to the placement of the order.

The successful bidder will sign the Service Level Agreement (SLA) on the adherence of the deliverables and for monitoring purposes. and be monitored on a six-monthly basis to ensure that they adhere to the deliverables specified in paragraph 5 (a) and (b).

## **7. PROJECT MANAGEMENT**

This project will be implemented in line with the MISA recruitment policy and government recruitment legislations and frameworks.

7.1 The supervisor of the company will liaise with MISA HR from time to time when there is a need to render the response handling and related services.

7.2 The service provider is required to sign the service level agreement and adhere to the terms and conditions and adhere to the agreed time frames.

## **8. COMPANY EXPERIENCE AND COMPETENCY**

### **a. Company Experience:**

- The service provider must be familiar and well experienced with conducting projects of this nature and must clearly understand the processes involved.

### **b. Key resources**

i. The Supervisor's Experience

II. IT Specialist

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**c. Infrastructure:**

The Service provider should have the following tools & equipment:

- An operating office with a physical address which is contactable during office hours.
- IT Infrastructure capability to handle high volume applications (IT systems report).
- Automatic response facility and capacity to receive applications must be operational 24hrs.

**9. FORM OF PROPOSAL**

The service providers are required to submit their proposals together with accurately completed bidding documents and the necessary supporting documents. In addition to this requirement, bidders are also requested to attach the following documents in support of their bids:

**(a) Proposal:**

- (i) Bidder's understanding of these terms of reference, with particular focus on the scope of the assignment and the deliverables.
- (ii) Bidder's logistical and administrative capacity to render the required services.
- (iii) A breakdown of proposed fee(s) to be charged by the Service Provider.
- (iv) An unconditional discount that the bidder is prepared to share or offer MISA.
- (v) Value added tax.
- (vi) Assumption that bid prices will include annual industry increases.

**10. FINANCIAL PROPOSAL**

Complete the pricing schedule attached below, and transfer the information therein to the relevant SBD forms

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## **11.EVALUATION OF PROPOSALS**

Proposals will be screened to ensure responsiveness to the requirements of the RFP. MISA may reject any proposal as non-responsive that does not provide evidence of the specified mandatory requirements. MISA reserves the right to request additional information and clarification during the evaluation and selection process from any or all bidders regarding their proposals.

Bids are invited based on their proposals and will be evaluated in three stages prequalification, functionality and then price and B-BBEE in accordance with the 80/20 preference points system.

### **11.1 Stage 1 - Prequalification**

**Mandatory documents (without which the tender will be considered non-responsive).**

1. Completed and appropriately signed SBD forms: SBD 3.1 and SBD 4.
2. Partnership agreements (if a bidder has a partnership agreement in place that enables the partnership to automatically continue to function in the event of a death or withdrawal of one of the partners)

**Non-Mandatory documents (required but should not be considered non-responsive in absence of any)**

1. Company Profile.
2. CSD Registration Report.
3. Certified BBBEE certificate/ Sworn affidavit.

**Bidders to ensure that they are registered on the CSD before bid closing date and before submitting bid proposals.**

### **11.2 Stage 2 – Evaluation on Functionality**

**The following criteria and weights will be applied when bids are assessed in terms of functionality:**



**Evaluation Criteria:**

<b>NO.</b>	<b>EVALUATION CATEGORIES</b>	<b>SCORES</b>
<b>1</b>	<p><b>Company experience (a minimum of five (5) years' experience in providing services of response handling and executive search and a number of projects handled supported by reference letters from contactable and verifiable references on the company's letterhead)</b></p> <p><b>Experience:</b></p> <p>Less than 5 years = 0</p> <p>5 years = 5</p> <p>Above 5 - 8 years = 7</p> <p>Above 8 years = 10</p> <p><b>Projects:</b></p> <p>Less than 3 projects = 0</p> <p>Between 3 and 5 projects = 5</p> <p>More than 5 projects = 10</p>	<b>20</b>
<b>2</b>	<p><b>Supervisor's experience in providing services of response handling and executive search. (The bidder will be scored zero (0) for failure to attach the CV for supervisor)</b></p> <p><b>Qualification:</b></p> <p>No qualification = 0</p> <p>National Diploma/degree in Admin = 5</p> <p><b>Experience:</b></p> <p>Less than 5 years = 0</p> <p>5 years = 2</p> <p>Above 5 years - 8 years = 5</p>	<b>10</b>
<b>3</b>	<p><b>IT Specialist with tertiary qualification in Information Technology and minimum three (3) experience in providing IT services. (The bidder will be scored zero (0) for failure to attach the CV for IT Specialist)</b></p> <p><b>Qualification:</b></p> <p>No qualification = 0</p> <p>National Diploma/degree in IT = 5</p> <p><b>Experience:</b></p> <p>Less than 3 years = 0</p> <p>3 years = 2</p> <p>Above 3 years - 8 years = 5</p>	<b>10</b>

4	<b>Infrastructure – office with physical address</b> An operating office which is contactable during office hours = 5 Automated response operational 24 hours (IT systems report) = 5  IT Infrastructure capable of handling high volume applications = 25 <ul style="list-style-type: none"> <li>IT infrastructure specifications in terms of:</li> <li>At least 3 Computers = 5</li> <li>4 computers =10</li> <li>Response handling system that can handle a min of 40 000 applications per day = 5</li> <li>Submission of responses through a movable disk (usb, external hard disk drive, etc or cloud file sharing platform =5</li> </ul>	35
5	<b>Methodology</b> <b>Detailed project plan.....5</b> The contents of a proposal give a clear firsthand impression about the capability of the bidder, the bidder is expected to submit an organized well-written proposal (approach paper on methodology in achieving the project goal) using proper separators for each of the chapters and annexures (if there is any). The approach paper must contain at least the following: <b>Table of Contents:</b> Listing of contents of the approach paper with page numbers and/ references to annexures (if any).  <b>Executive Summary:</b> A brief summary of the whole contents of the approach paper. <b>Approach:</b> Detailed approach the bidder feels best to deliver the intended services for the Project with identification of tasks, for each of the activities. The scoring of the approach paper will be as detailed hereunder: <ul style="list-style-type: none"> <li>Methodology to be adopted on rendering response handling services;(5 points)</li> <li>Project implementation schedule, risks, and risk management proposal; (5 points) and</li> <li>Quality assurance and quarterly reporting. (5 points)</li> </ul>	20
	<b>Detailed contingency plan = 5</b>	
	<b>TOTAL</b>	<b>100</b>

NB: A threshold of **70 points** will be required in order for a bidder to be considered for further evaluation on price and B-BBEE.

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### 11.3 Stage 3 - Price and BBEE

#### Points for B-BBEE Status Level of Contribution ( $P_p$ )

Maximum of 20 points are allocated for Preferential Procurement Goal. Preference point 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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

#### Points for Bid Price ( $P_s$ )

Maximum of 80 points are allocated to Bid Price on the following basis:

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

Where,

$P_s$  = Points scored for comparative price of the Bid under consideration

$P_t$  = Comparative price of the Bid under consideration

$P_{\min}$  = Comparative price of lowest qualified Bid

A person awarded a contract may not subcontract more than 25% of the value of the contract to any other enterprise that does not have an equal or

higher B-BBEE status level of contributor than the person concerned, unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

## **12. MISA's Rights**

MISA reserves the right to cancel this solicitation in whole or in part, at its sole discretion, at any time before the Agreement is fully executed. This RFP does not commit MISA to award an Agreement, to pay any costs incurred by bidders in the preparation of their proposals submitted in response to this RFP, or to procure or contract for services. MISA reserves the right to modify or cancel in whole or in part this RFP, to reject any and all proposals, to accept the proposal it considers most favorable to MISA's interests at its sole discretion, and to waive irregularities or informalities in any proposal or in the proposal procedures. MISA further reserves the right to reject all proposals and seek new proposals when MISA considers such a procedure to be in its best interest. If there is any evidence indicating that two or more bidders are in collusion to restrict competition or are otherwise engaged in anti-competitive practices, the proposals of all such bidders shall be rejected, and such evidence may be a cause for disqualification of the participants in any future solicitations issued by MISA.

MISA reserves the right to hold discussions and/or negotiations with any individual or qualified company, to interview or not, to request additional information or revised proposals or to request best and final offers if it is in the best interest of MISA to do so. However, MISA may make an award without conducting any interview or negotiations; therefore, proposers are encouraged to submit their best proposal at the outset. Appointment will be subject to the outcome of the vetting process on the recommended bidder.

## **13. REPORTING**

The appointed service provider will report to the appointed Project Manager of MISA. The detailed reporting requirements will be provided to the successful service provider during the contract negotiation and project inception.

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The service provider shall every time upon completion of a task written report to the MISA Project Manager on specific problems, suggestions, improvement methods, work programmes, personnel turnover, complaints, remedial actions taken and all other matter relating to provision of response handling services.

#### **14. MONITORING AND EVALUATION**

MISA or its nominee reserves the right to monitor and evaluate the progress and outcome of this intervention as well as other services provided by the selected service provider; MISA or its nominee reserves the right to replace the service provider if the quality of service rendered is being compromised.

#### **15. PAYMENTS**

MISA does not pay any amount in advance. Only original signed invoices must be submitted for payments. The service provider will be paid within 30 days after approval of the invoice, when the services have been fully rendered to the satisfaction of MISA, and this done by means of electronic transfer directly into the service provider's bank account.

#### **16. NON COMPULSORY BRIEFING SESSION**

Bidders are invited to attend a briefing session at the MISA Head Office 1303 Heuwel Avenue, Centurion, Riverside Office Park, Letaba House, First floor, at 12H00, on 12 December 2022. Attendance of the briefing session is not compulsory.

#### **17. SUBMISSION OF PROPOSALS**

The Tender Documents are not for sale and will also not be emailed to bidders. The Tender Documents must also include a soft copy ( Memory Stick) of the proposal, they reach the offices of the MISA before 11:00 on 19 January 2023 and must be enclosed in a sealed envelope which must have clearly inscribed on the outside:

**17.1 BID REFERENCE NUMBER: MISA/HR/RH/013/2022/23**

**17.2 CLOSING DATE: 19 January 2023 @ 11h00**

**MISA/HR/RH/013/2022/23**

**END USER.....**

Tender documents are to be submitted to MISA Reception and deposited in the tender box. (At MISA Offices, Letaba House, 1303 Heuwel Road, Riverside Office Park, Centurion, 0046.

## **18. PERIOD FOR ACCEPTANCE OF PROPOSALS**

In order to allow for adequate evaluation, MISA requires a response to this solicitation to be valid and irrevocable for 90 working days after submittal date and time.

No bidder may withdraw a proposal within 90 working days after the proposal due date. A mistake on the part of the bidder in preparing the proposal confers no right for the withdrawal of the proposal after it has been opened. Should there be valid reasons why the Agreement cannot be awarded within the specified period, the time may be extended by mutual agreement between MISA and the bidder(s).

## **19. MODIFICATION, WITHDRAWAL, MISTAKES, AND MINOR INFORMALITIES**

Proposals may be modified or withdrawn prior to the established due date via email or mail request. Please refer to section 21, "Questions and Requests for Clarifications" for contact information.

## **20. COMMUNICATION WITH MISA OFFICIALS**

Bidders and their representatives may not communicate with MISA officials except in writing and if the communication is made public. Bidders and their representatives must communicate in the manner set forth in this RFP. There shall be no communication with MISA officials except as may be reasonably necessary to carry out the procedures specified in this RFP. Nothing herein prohibits bidders and their representatives from making oral statements or presentations in public to one or more MISA officials during a public meeting.

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## **21. CONFIDENTIALITY**

All responses to this RFP become property of MISA and will be kept confidential until a recommendation for award of a contract has been announced. Thereafter, submittals are subject to public inspection and disclosure in accordance with the provisions of applicable legislation.

## **22. QUESTIONS AND REQUESTS FOR CLARIFICATIONS**

Bidders must carefully examine the bid documents and in the event of doubt of anything contained in the documents;

For Technical queries please contact the following person:

For SCM queries please contact the following person:

**Ms Lumka Tyikwe**

**Tel: (012) 848 5325**

**E-mail: Lumka.Tyikwe@misa.gov.za**

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## STANDARDIZED PRICING SCHEDULE

**Table 1: Advertised posts**

Post Salary level	Estimated number of applications	Proposed rate per application	Total excl VAT
Post levels 11-16	1000		
Post levels 1-10	4000		
Young Graduates	40 000		
<b>Total Amount</b>			

**Table 2: Executive Search for Senior Management, Specialists and Technical posts**

Post Salary level	Number of posts	Post salary per annum	Proposed % per post	Total excl VAT
Post level 14-16				
Technical posts				
<b>Total Amount</b>				

**Table 3: Totals carried forward from tables 1 and 2 excluding VAT**

Method	Total Amount
Advertised posts	
Executive Search	
<b>Total Bld Propose Amount</b>	

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**PRICING SCHEDULE**  
(Professional Services)

NAME OF BIDDER: ..... BID NO.: MISA/HR/RH/013/2022/23

CLOSING TIME 11:00

CLOSING DATE.....

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

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
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1. The accompanying information must be used for the formulation of proposals.

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

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

4. PERSON AND POSITION

HOURLY RATE

DAILY RATE

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

R.....  
R.....  
R.....  
R.....  
R.....

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

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

R..... days  
R..... days  
R..... days  
R..... days

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

DESCRIPTION OF EXPENSE TO BE INCURRED

RATE

QUANTITY

AMOUNT

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

..... R.....  
..... R.....  
..... R.....  
..... R.....

TOTAL: R.....

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

Name of Bidder: .....

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

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

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

\*[DELETE IF NOT APPLICABLE]

Any enquiries regarding bidding procedures may be directed to the –

(INSERT NAME AND ADDRESS OF DEPARTMENT/ENTITY)

Tel:

Or for technical information –

(INSERT NAME OF CONTACT PERSON)

Tel:

## BIDDER'S DISCLOSURE

### 1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

### 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state? **YES/NO**

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

Full Name	Identity Number	Name of State Institution

2.2 Do you, or any person connected with the bidder, have a relationship

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

with any person who is employed by the procuring institution? YES/NO

**2.2.1 If so, furnish particulars:**

.....  
 .....

**2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? YES/NO**

**2.3.1 If so, furnish particulars:**

.....  
 .....

**3 DECLARATION**

I, \_\_\_\_\_ the \_\_\_\_\_ undersigned,  
 (name)..... In  
 submitting the accompanying bid, do hereby make the following  
 statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring

<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

**SBD4**

institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the Institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

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

**I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.**

**I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.**

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of bidder**

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL  
PROCUREMENT REGULATIONS 2017**

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

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

**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 exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the ..... 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:

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

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

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

**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) **"price"** 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. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 4. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

$$Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right) \text{ or } Ps = 90 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

- $P_s$  = Points scored for price of bid under consideration
- $P_t$  = Price of bid under consideration
- $P_{min}$  = Price of lowest acceptable bid

#### 4.2 FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME-GENERATING PROCUREMENT

#### 4.3 POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:  
80/20 or 90/10

$$Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right) \text{ or } Ps = 90 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

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

$P_t$  = Price of bid under consideration

$P_{max}$  = Price of highest acceptable bid

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

5.1 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	8	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

## 6. BID DECLARATION

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

### 7. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

7.1 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.)

## 8. SUB-CONTRACTING

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

(Tick applicable box)

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

8.1.1 If yes, indicate:



- i) What percentage of the contract will be subcontracted..... %
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME 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 least 51% owned by:	EME ✓	QSE ✓
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

## 9. DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm:.....

9.2 VAT registration number:.....

9.3 Company registration number:.....

## 9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

## 9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

## 9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

9.8 I/we, the undersigned, who is / are duly authorized 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-BBE 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 .....