



YOU ARE HEREBY INVITED TO BID FOR THE REQUIREMENTS OF THE COUNCIL FOR MEDICAL SCHEMES

BID NUMBER:	RFQ/CMS/ICT/02052024	CLOSING DATE:	22 May 2024	CLOSING TIME:	12:00 PM
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DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO ASSIST WITH AZURE MIGRATION
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BID/QUOTATION RESPONSE DOCUMENTS MUST BE DELIVERED TO THE FOLLOWING EMAIL ADDRESS:

rfqit@medicalschemes.co.za and k.mayile@medicalschemes.co.za

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO	TECHNICAL ENQUIRIES MAY BE DIRECTED TO:
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CONTACT PERSON	Khonaye Mayile	CONTACT PERSON	Ndidzulafhi Nenzhelele
TELEPHONE NUMBER		TELEPHONE NUMBER	012 431 0567
FACSIMILE NUMBER	N/A	FACSIMILE NUMBER	N/A
E-MAIL ADDRESS	k.mayile@medicalschemes.co.za	E-MAIL ADDRESS	n.nenzhelele@medicalschemes.co.za

SUPPLIER INFORMATION

NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE	NUMBER	
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE	NUMBER	
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:	OR	CENTRAL SUPPLIER DATABASE No: MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
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QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

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

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS 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:

1. BACKGROUND OF COUNCIL FOR MEDICAL SCHEMES

The Council for Medical Schemes is a statutory body established by the Medical Schemes Act (131 of 1998) to provide regulatory supervision of private health financing through medical schemes; and functions as a Schedule 3A Public Entity.

VISION

To be an agile and transformative Regulator in order to **promote affordable** and **accessible** healthcare cover towards **universal health coverage**.

MISSION

The CMS regulates the medical schemes industry in a fair and transparent manner and achieves this by:

- **Protecting the public** and informing them about their rights, obligations and other matters in respect of medical schemes.
- Ensuring that **complaints raised by members** of the public are handled appropriately and speedily.
- Ensuring that all entities conducting the business of medical schemes, and other regulated entities, **comply with the Medical Schemes Act**.
- Ensuring the improved management and **governance** of medical schemes.
- **Advising the Minister of Health** of appropriate regulatory and policy interventions that will assist in attaining national health policy objectives.
- Ensuring collaboration with other **stakeholders** in executing our regulatory mandate.

2. SCOPE OF WORK

2.1. Council for Medical Schemes hereby request reputable and experienced Microsoft partners to assist with the migration, manage data system and application servers from our Hyper V to Microsoft Azure. The appointed service provider will be responsible for the following as part of the project:

Service or function	Requirements
1. Lift and Shift	Assist with the lift for moving data from on-prem to the Azure environment virtual machines in the cloud
2. Disaster recovery and Business Continuity	Implementation of the recovery of the services when there's outage (Fail over between the Azure data centres)
3. Automation	Cloud based automation and configuration services with consistence management. The service needs to consist of the following: <ul style="list-style-type: none"> • Orchestrate processes.

	<ul style="list-style-type: none"> • Collection of inventories. • Track the changes made. • Scheduling of installations. • Role based access control.
4. Traffic Management	Capability to manage the distribution of traffic across applications servers, and continuous monitoring of endpoints and automatic fail over when the servers fail.
5. Identity Management	Capability to run Windows Active Directory on prem and Azure environment.
6. IP Addresses	Provide Public IP resources to communicate with other cloud resources, on prem and internet.
7. Cloud Security	<ul style="list-style-type: none"> • Anti – malware and network security configuration. • Hardening public facing environment. • Security health monitoring for both cloud workloads. • Security vulnerability and discovery tools on patch management. • Advanced threat detection through security .
8. Skills Transfer	Provider to provide knowledge transfer to key personnel. Basic Cloud administration and basic troubleshooting management and operations.

2.2. Current Status

- The Council of Medical Schemes servers are currently hosted and managed on its premises. The servers are running on a Hyper -V cluster.
- Council of Medical Schemes requires the suitably qualified and experienced Microsoft Azure Silver Partners to assist with the Migration of servers to Azure.
- Council of Medical Schemes currently has Azure credits that has been purchased through our Microsoft Volume licencing.

2.3. Council Of Medical Schemes Infrastructure requirement

Service Category	Server type	Server name	Estimated Monthly
1.Compute	Virtual machines	CMSAPPS01	1 D2 v3 (2 vCPUs, 8 GB RAM) x 730 Hours (Pay as you go), Windows (AHB), OS Only; 1 managed disk

Compute	Virtual machines	CMSAPPS02	1 F4s v2 (4 vCPUs, 8 GB RAM) x 730 Hours (Pay as you go), Windows (AHB), OS Only; 1 managed disk .
Compute	Virtual machines	CMSDC01	1 B4ms (4 Cores, 16 GB RAM) (1 year reserved), Windows (AHB), OS Only; 1 managed disk –
Compute	Virtual machines	CMSFIN02	1 D4 v3 (4 vCPUs, 16 GB RAM) (1 year reserved), Windows (AHB), OS Only; 1 managed disk
Compute	Virtual machines	CMSFWA01	1 F4s v2 (4 vCPUs, 8 GB RAM) x 730 Hours (Pay as you go), Windows (AHB), OS Only; 1 managed disk
Compute	Virtual machines	CMSESIGN02	1 D4 v3 (4 vCPUs, 16 GB RAM) (1 year reserved), Windows (AHB), OS Only; 1 managed disk
Compute	Virtual machines	CMSICT11	1 F2s v2 (2 vCPUs, 4 GB RAM) x 730 Hours (Pay as you go), Windows (AHB), OS Only; 1 managed disk
Compute	Virtual machines	CMSICT12	1 F4s v2 (4 vCPUs, 8 GB RAM) x 730 Hours (Pay as you go), Windows (AHB), OS Only; 1 managed disk
Compute	Virtual machines	CMSMOSS01	1 F2s v2 (2 vCPUs, 4 GB RAM) x 730 Hours (Pay as you go), Windows (AHB), SQL Standard (AHB); 1 managed
Compute	Virtual machines	CMSSAGE01	1 D2 v3 (2 vCPUs, 8 GB RAM) x 730 Hours (Pay as you go), Windows (AHB), OS Only; 1 managed disk .
Compute	Virtual machines	CMSSEPM	1 D4 v3 (4 vCPUs, 16 GB RAM) x 730 Hours (Pay as you go), Windows (AHB), OS Only; 1 managed disk – S15;
Compute	Virtual machines	CMSWEB	1 F2s v2 (2 vCPUs, 4 GB RAM) x 730 Hours (Pay as you go), Windows (AHB), OS Only; 1 managed disk – S10;
Compute	Virtual machines	CMSWORDPRESS01	1 F2s v2 (2 vCPUs, 4 GB RAM) x 730 Hours (Pay as you go), Windows (AHB), OS Only; 1 managed disk
Compute	Managed disks	CMSAPPS02	Managed Disks, Standard HDD, S40 Disk Type 1 Disks, 100 Storage transactions; Pay as you go
Compute	Managed disks	CMSAPPS03	Managed Disks, Standard HDD, S15 Disk Type 1 Disks, 100 Storage transactions; Pay as you go
Compute	Managed disks	CMSFIN02	Managed Disks, Premium SSD, LRS Redundancy, P15 Disk Type 1 Disks; Pay as you go
Computed	Managed disks	CMSSEPM02	Managed Disks, Standard HDD, S30 Disk Type 1 Disks, 100 Storage transactions; Pay as you go

3. EVALUATION CRITERIA

3.1. Table 1 – Evaluation Process and Criteria

Stage	Details
Phase 1	Mandatory evaluation criteria: The purpose of this criteria is to evaluate the bidders on their eligibility and previous experience to provide the service. Bidders who fail this Phase will not proceed to Phase 2 .
Phase 2	Price and Specific Goals evaluation criteria: The purpose of this criteria is to evaluate the bidders based on the bid

3.2. Table 2 – Mandatory Criteria

The service provider must submit the following documents as part of mandatory criteria (including Price Breakdown)

Mandatory Technical Criteria	Comply	Does not Comply	X-Cross Reference/ Comments. (Bidder to complete this column)
<p>1. A valid Microsoft Partnership certificate - Microsoft Cloud Platform (Silver and above).</p> <p>NB : The submitted Microsoft partnership certificate must clearly show Microsoft certification for cloud Platform .</p>			

<p>2. A minimum of three (3) written reference letters confirming the provisioning of cloud hosting.</p> <p>NB (Reference letters must be in an official-on-official company letterhead with contact name ,email address , contact number and an email which includes the company official details .</p>			
<p>3. Bidder must provide CVs of Certified members with the relevant qualifications .The personals must have a must have a minimum of NQF 6 , Microsoft Azure certification and a five years' experience deploying Cloud hosting services.</p> <p>NB : Project Manager must be specified and the technical lead of the project.</p>			
<p>4. Bidders should provide a detailed project plan of the work to be</p>			

Failure to submit and meet all of the above stipulated requirements will lead to automatic disqualification from the evaluation process of Price & Specific Goals.

3.3. Price and Specific Goals

In order to facilitate a transparent selection process that allows an equal opportunity to all bidders, Council for Medical Schemes has a Supply Chain Management policy that will be adhered to. Proposals will be evaluated in terms of the prevailing Supply Chain Management policy applicable to Council for Medical Schemes and it should be noted that proposals will be assessed using the 80/20 formula (Preference Points System) for Price and Specific Goals as indicated in the PPPFA Regulations.

Table 1- Price and Specific Goals

CRITERIA	SUB-CRITERIA	WEIGHTING/ POINTS	
Price	Detailed price breakdown	80	
Specific Goals	(a) Historically Disadvantaged Individuals (5 Points)	20	
	80% - 100% Black Owned		5 Points
	50% - 79.99 Black Owned		4 Points
	20% - 49.99% Black Owned		3 Points
	1% - 19.99 Black Owned		1 Point
	Below 1% Black Owned		0 Point
	(b) Size of the Company (3 Points)		
	EME		3 Points
	QSE		2 Points
	Generic Enterprise		1 Points
	(c) Black Woman Owned Enterprise (5 Points)		
	75% - 100% Black Women Owned		5 Points
	51% - 74,99% Black Women Owned		3 Points
	1% - 50,99% Black Women Owned		1 Point
	Below 1% Black Owned Women		0 Point
	d) Ownership by People with Disabilities (3 Points)		
75% - 100% Ownership by People with Disabilities	3 Points		
51% - 74,99% Ownership by People with Disabilities	2 Points		
1% - 50,99% Ownership by People with Disabilities	1 Point		

	Below 1% Ownership by People with Disabilities	0 Point	
	(e) Ownership by Youth (under 35 years) (4 Points)		
	75% - 100% Ownership by Youth	4 Points	
	51% - 74,99% Ownership by Youth	3 Points	
	20% - 50,99% Ownership by Youth	2 Point	
	1% - 19,99% Ownership by Youth	1 Point	
	Below 1% Ownership by Youth	0 Point	
TOTAL			100

3.3.1 General Conditions to specific goals

3.3.1.1 Only a bidder who has completed and signed the declaration (SBD 6.1.) part of the RFQ documentation will be considered for preference points.

3.3.1.2 CMS may, before a RFQ is adjudicated or at any time, require a bidder to substantiate claims it has made with regard to preference.

3.3.2. Submission of mandatory documents

3.3.2.1. Bidders must submit the following documents for verification of specific goals points:

- Attach certified copy/ copies of South African ID of Directors/ Owners/ Shareholders to claim points for **Historically Disadvantaged Individuals (HDI)**
- B-BBEE Certificate and Sworn Affidavit to claim points for **Size of the Company**
- Attach medical certificate/ letter from the accredited Health Professional to claim points for **Ownership for People Disability**
- Attach copy of B-BBEE Certificate/ sworn affidavit, certified ID copy/ copies, CIPC document to claim points for **Black Women Owned Enterprise**
- Attach certified copy of ID/ Sworn Affidavit/ CIPC document to claim points for **Youth Ownership**
- Fully completed and signed **SBD 6.1.**

3.3.2.2. Failure on the part of a bidder to submit proof and above-mentioned documentation, complete and sign as required in SBD 6.1. in terms of this bid to claim points for specific goals with the bid, will interpret to mean that the preference points for specific goals are not claimed.

4. INSTRUCTIONS TO BIDDERS

4.1. Terms and Conditions

The Council for Medical Schemes reserves the right, under exceptional circumstances, to extend the closing date. All proposals and all subsequent information received from bidders will not be returned.

The adjudication process does not represent a commitment on the part of Council for Medical Schemes to proceed further with that proposal or of any other bidder.

4.2. Changes to this RFQ document

Council for Medical Schemes reserves the right to make changes on this RFQ Document. All changes will be communicated to those firms that have responded to the RFQ. No reliance shall be placed on other information or comment from any other person.

4.3. Validity Period

The validity period of the RFQ/RFP is **ninety (90)** days. Request for extension of validity period will be communicated to those service providers who responded to the RFQ/ RFP.

4.3. Confidentiality

Any information relating to the submissions, through the process or otherwise shall be treated in strict confidence.

4.4. Other matters

Council for Medical Schemes reserves the right not to enter into any relationship and no correspondence pertaining to submissions will be entered into.

If the Council for Medical Schemes does not accept any proposal, it will declare this RFQ call process closed and may then elect to:

- Proceed on a completely different basis; and

- Not appoint any respondent in the event it deems proposals not appropriate.

The Council for Medical Schemes will not accept any responsibility for costs incurred by bidders in preparing and submitting proposals.

The Council for Medical Schemes reserves the right to engage in a process to validate all claims made in the proposal.

The Council for Medical Schemes reserves the right to cancel the award if it is determined that the supplier/service provider recommended for award, has engaged in corrupt or fraudulent activities in competing for the contract in question. For the purposes of this RFP/RFT, RFQ, "fraudulent practice" means a misrepresentation of facts in order to influence a selection process or the execution of a contract to the detriment of the accounting officer/authority, and includes collusive practices among bidders/contractors (prior to or after submission of proposals) designed to establish prices at artificial, non-competitive levels and to deprive the accounting officer/authority of the benefits of free and open competition.

The selection of the qualifying bid/quotations will be at Council for Medical Schemes' sole discretion. Council for Medical Schemes does not bind itself to accept any bid/quotations and reserves the right not to appoint the bidder.

5. PAYMENT STRUCTURE

5.1. Council for Medical Schemes undertakes to pay in full within thirty (30) days, all valid claims for work done to its satisfaction upon presentation of a substantiated claim/invoice.

5.2. Payments will only be made based on the work completed (milestones/ deliverables) as per the project implementation plan to be agreed at the inception of the project.

6. GENERAL

Below are compulsory requirements for this service:

6.1. It is important to note that the successful bidder will work under the supervision of a Council for Medical Schemes representative, abide by Council for Medical Schemes' Code of Conduct, and other organizational guidelines.

6.2. Kindly submit the following document:

- **Valid and Original or Certified B-BBEE Status Level Verification Certificates issued by SANAS for Generic Companies with a total turnover of R 50 Million and above.**

- Enterprise Medium Enterprise (EME's) with a total turnover below R 10 Million and Qualifying Supplier Enterprise (QSE's) with a turnover of R 10 Million to R 50 Million may submit affidavit obtainable from Department of Trade and Industry (DTI) website.
- Original Valid Tax Clearance Certificate or SARS PIN Document.
- CIPC Document
- Complete the attached SBD 1, 4 and 6.1
- National Treasury Central Supplier Database Report

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 interest¹ in the enterprise, employed by the state? **YES/NO**

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

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....

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:

.....

¹ 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.

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 consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

SBD 6.1

² 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.

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

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

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

1. GENERAL CONDITIONS

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

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

1.2 To be completed by the organ of state

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

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

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

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

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

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

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

4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
a) Historically Disadvantaged Individuals	N/A	5 Points: <ul style="list-style-type: none"> • 80% - 100% Black Owned – 5 Points • 50% - 79.99 Black Owned - 4 Points 	N/A	

		<ul style="list-style-type: none"> • 20% - 49.99% Black Owned 3 Points • 1% - 19.99 Black Owned - 1 Point • Below 1% Black Owned - 0 Points 		
Size of the Company/ Enterprise	N/A	3 Points: <ul style="list-style-type: none"> • Exempted Medium Enterprise- 3 Points • Qualifying Exempted Enterprise – 2 Points • Generic Enterprise -1 Point 	N/A	
Black Women Owned Enterprise	N/A	5 Points: <ul style="list-style-type: none"> • 75% - 100% Black Women Owned - 5 Points • 51% - 74,99% Black Women Owned – 3 Points • 1% - 50,99% Black Women Owned - 1 Point • Below 1% Black Owned Women-0 Point 	N/A	
Ownership by People with Disabilities	N/A	3 Points: <ul style="list-style-type: none"> • 75% - 100% Ownership by People with Disabilities – 3 Points • 51% - 74,99% Ownership by People with Disabilities - 2 Points • 1% - 50,99% Ownership by People with Disabilities - 1 Point • Below 1% Ownership by People with Disabilities-- 0 Point 	N/A	
Ownership by Youth (under 35 years)	N/A	4 Points: <ul style="list-style-type: none"> • 75% - 100% Ownership by Youth- 4 Points • 51% - 74,99% Ownership by Youth-3 Points • 20% - 50,99% Ownership by Youth-2 Points • 1% - 19,99% Ownership by Youth-1 Points 	N/A	

		<ul style="list-style-type: none"> • Below 1% Ownership by Youth- 0 Points 		
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DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

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

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SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

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