



REQUEST FOR QUOTATIONS (RFQ)

BID DESCRIPTION	REQUEST FOR QUOTATION FOR ORACLE DBA SUPPORT SERVICES
BID NUMBER	HO/ICT/ORACLE/10/2022
ISSUE DATE	11 OCTOBER 2022
BID CLOSING DATE	18 OCTOBER 2022
BID CLOSING TIME	12H00 (MIDDAY)
BID VALIDITY PERIOD	30 BUSINESS DAYS AFTER CLOSING DATE
SUBMISSION OF BIDS	BIDS MUST BE STRICTLY HAND DELIVERED TO: MPHIELO NONDABULA PASSENGER RAIL AGENCY OF SOUTH AFRICA30 WOLMARANS STREET UMJANTSHI HOUSE BRAAMFONTEIN 2001
CONTACT DETAILS	011 748 7498

SUPPLIER NOTE

LATE / INCOMPLETE QUOTATIONS WILL NOT BE CONSIDERED.

PRASA CONDITIONS OF PURCHASE WILL APPLY.

ONLY VAT VENDORS TO CHARGE VAT.

BIDDERS MUST ENSURE THAT BIDS ARE DELIVERED TIMEOUSLY TO THE CORRECT ADDRESS. AS A GENERAL RULE, IF A BID IS LATE OR DELIVERED TO THE INCORRECT ADDRESS, IT WILL NOT BE ACCEPTED FOR CONSIDERATION.

1. Executive Summary

Passenger Rail Agency of South Africa (PRASA) has its data hosted on oracle databases for various business applications. The databases require hours for support services from experienced bidders for a period of twelve (12) months.

2. Purpose

The purpose of this document is to request quotations from service provider(s) who have the skills, experience, and capacity to support Oracle databases for a period of twelve months from the date of award.

3. Background

PRASA ICT Operations is a service delivery section that must ensure effective day to day support services for the Oracle databases environments which is hosting critical business information. This is based on the standard operating procedures and work instructions which are adopted from ICT service management frameworks such as ITIL and COBIT. In order to achieve effective operational services, ICT requires the support service for oracle databases which are hosting critical business information.

The current challenge is the lack of internal capacity and expertise for the oracle database support services to meet the operational requirements. PRASA requires a service provider with the skillset and knowledge for supporting the Oracle databases on ERP such as SAP and others.

4. Technical Environment

PRASA has the oracle databases nationally which must be supported centrally at Corporate office.

Usage	Database	Operating System
National	ORACLE DATABASES	Windows / UNIX

5. Resources

PRASA has oracle databases nationally which requires services for the following resources:

RESOURCE	SKILLSET
Oracle Database Administrator	<ul style="list-style-type: none">• Oracle database skill on Windows and UNIX operating system.• Script writing• Experience in supporting SAP Oracle Databases
Oracle Application DBA	<ul style="list-style-type: none">• Experience in supporting SAP Oracle databases and non-SAP environments.
Functional Oracle Financials (As and when required)	<ul style="list-style-type: none">• Oracle financials functional experience

6. Scope of work

The oracle database administrator needs to be able to perform the following work independently:

- Database Administration.
- Backup (Export and Archive) and Recovery (Export / Import and archive)
- Performance tuning.
- Capacity management.
- Database Security management.
- Implementation and upgrades.
- Script writing and documentation.
- Patch management and bug fixes.

- Change Control Management.
- Attend to user queries and resolve.
- Knowledge of interfaces
- Address user requirements and queries
- Optimize performance.
- Provide corrective actions
- Resolve data interface issues.
- Write scripts.

SECTION 1: SBD1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF PASSENGER RAIL AGENCY (PRASA)

BID NUMBER:	HO/ICT/ORACLE/10/2022	CLOSING DATE:	18 OCTOBER 2022	CLOSING TIME:	12h00
DESCRIPTION	REQUEST FOR QUOTATIONS FOR ORACLE DBA SUPPORT SERVICES				
BID RESPONSE DOCUMENTS SHALL BE ADDRESSED AS FOLLOWS:					
HAND DELIVERED TO: MPHIELO NONDABULA, 30 WOLMARANS STREET, BRAAMFONTEIN (PLEASE REFER COVER PAGE)					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO					
CONTACT PERSON	Mphielo Nondabula				
TELEPHONE NUMBER	011 085 7498				
E-MAIL ADDRESS	Mphielo.Nondabula@prasa.com				
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]

<p>2.1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[IF YES ENCLOSE PROOF]</p>	<p>2.2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[IF YES, ANSWER THE QUESTIONNAIRE BELOW]</p>
--	---	---	--

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.

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**
- 1.3. **PRESCRIBED IN THE BID DOCUMENT.**
- 1.4. 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.
- 1.5. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7)**

2. TAX COMPLIANCE REQUIREMENTS

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

7. EVALUATION PROCESS

Interested bidders for this project shall be evaluated in terms for their adherence to mandatory compliance requirements, basic compliance, technical/ functional criteria and price and B-BBEE. The evaluation committee will follow the process depicted below for the selection of the preferred bidder that shall render / deliver the required works, goods and / or services.

Evaluation Process	
Stage 1A Compliance	Substantive responsiveness (mandatory)
Stage 1B Compliance	Administrative Responsiveness
Stage 2	
Technical/Functional Criteria	Testing of capacity - meet minimum threshold of 65%.
Stage 3 Preference Points	
Price	80
BBBEE	20
TOTAL	100

7.1 Stage 1: Mandatory and Basic Compliance Requirements (Substantive and Administrative Responsiveness)

No.	Description of requirement	
Stage 1A - Mandatory Compliance Requirements (Substantive Responsiveness)		
If a bidder does not submit the following documents the Quotation will be disqualified automatically:		
a)	Completion of ALL RFP documentation (includes ALL declarations, ALL Standard Bidding Documents (SBD) and Commissioner of Oaths signatures required)	
Stage 1B - Basic Compliance Requirements (Administrative Responsiveness)		
If you do not submit the following basic compliance documents your bid may be disqualified and these documents must be made available within seven (5) working days should an award be made.		
a)	CSD Supplier Registration Report	
b)	Original or certified B-BBEE certificate	
c)	A valid and Original Tax Clearance Certificate (valid as at the closing date of this RFP) Or supply SARS Pin Note: No award will be made to a bidder whose tax matters are not in order with SARS.	
d)	Company registration documents	
e)	Certificate of change of name or CK2 (If applicable)	
f)	Letter of Good Standing: COID	
g)	Declaration certificate for local content (SBD 6.2)	

The bidders need to meet the compliance requirements to be evaluated for technical, pricing and BBEE. Bidders who do not meet the full compliance requirements will not qualify for further evaluation. PRASA reserve the right to request formal proof of compliance of all the elements / features offered in the quotation. Bidders to complete the below table with indication of whether they have provided the required information.

NB: Please refer us to a section where the supporting documentation has been provided.

DESCRIPTION	EVIDENCE	COMPLY (Yes/No)
Oracle Original Equipment Manufacturer (OEM) Partnership certificate or signed letter from Oracle. This may be verified for correctness.	A valid partnership letter from Oracle to the <u>bidding company</u> which should indicate the level of partnership (Silver, Gold or Platinum level).	
Two signed Client's reference letters with contact details. (This may be verified with the indicated clients for correctness).	Signed client reference letters with contact details.	
Additional resource (Ad-hoc) for Oracle Financials.	CV of Oracle financial resource or a resource with a functional oracle financials.	
Support structure	Written support structure document including the plan for skills transfer to internal staff and a draft service level agreement.	

7.2 Stage 2 - Technical or functionality criteria must be guided by the project scope and area of focus. The threshold for this project has been set at 65%.

EVALUATION AREA	SCORING CRITERIA	WEIGHT
The bidder's capacity and capability to provide technical support and maintenance for Oracle databases (This is for the company as a bidder).	<ul style="list-style-type: none"> 5 = Bidder has more than 3 Oracle DBAs who are certified in Oracle databases with more than 10 years' experience. Evidence of <u>number of resources with their certifications</u> to be provided. (<u>Exceptionally compliant with requirements</u>) 4 = Bidder has 2 to 3 Oracle DBAs who are experienced (5 – 6 years) and certified in Oracle databases. Evidence of <u>number of resources with their certifications</u> to be provided. (<u>Slightly above compliant with requirements</u>) 3 = Bidder has two (2) certified DBA in Oracle databases. Evidence of <u>number of resources with their certification</u> to be provided. (<u>Fully compliant with requirements</u>) 2 = Bidder has two (2) DBA who hold <u>training attendance</u> certificates in Oracle databases but not certified. Evidence of <u>number of resources with their training certificates</u> to be provided. (<u>Less compliant with requirements</u>) 1 = Bidder has 1 Oracle DBA who hold <u>training attendance certificates</u> in Oracle databases but not certified. Proof of <u>number of resources with their training certificate</u> to be provided. (<u>Partially compliant with requirements</u>) 0 = Bidder has Oracle DBA who is <u>still undergoing Oracle training</u>. Evidence of <u>number of resources still undergoing training and not yet certified or completed Oracle DBA training certificate</u>. (<u>Does not comply with requirements</u>). 	20%
Clients reference letters for services provided	<ul style="list-style-type: none"> 5 = Bidder has provided five (5) or more signed reference letters for deployment or support of Oracle Databases performed by the bidding company. (<u>Exceptionally compliant with requirements</u>) 4 = Bidder has provided four (4) signed reference letters for deployment or support of Oracle Databases performed 	10%

	<p>by the bidding company. (<u>Slightly above compliant with requirements</u>)</p> <ul style="list-style-type: none"> 3 = Bidder has provided three (3) signed clients reference letters for deployment or support of Oracle Databases performed by the bidding company. (<u>Fully compliant with requirements</u>) 2 = Bidder has provided two (2) signed reference letters from clients for deployment or support of Oracle Databases performed by the bidding company. (Less compliant with requirements) 1 = Bidder has provided one (1) signed reference letter from clients for deployment or support of Oracle Databases performed by the bidding company. (<u>Partially compliant with requirements</u>) 0 = Bidder has not provided signed reference letter from clients for deployment or support of Oracle Databases performed by the bidding company. (<u>Does not comply with requirements</u>). 	
Resource's technical experience of providing Oracle DBA support and maintenance for databases (This is for resources).	<ul style="list-style-type: none"> 5 = Bidder has 6 experienced Oracle DBAs each having at least 15 or more years Oracle DBA experience. Evidence of clear experience of Oracle DBA experience on CV and the versions of oracle databases supported. (<u>Exceptionally compliant with requirements</u>) 4 = Bidder has at 4 experienced Oracle DBAs each having 10 to 15 years Oracle DBA experience. Evidence of clear number of Oracle DBA experience on CV and the versions of oracle databases supported. (<u>Slightly above compliant with requirements</u>) 3 = Bidder has at 3 experienced Oracle DBAs each having 8 to 10 years Oracle DBA experience. Evidence of clear number of Oracle DBA experience on CV and the versions of oracle databases supported. (<u>Fully compliant with requirements</u>) 2 = Bidder has 2 experienced Oracle DBAs who has 5 to 8 years Oracle DBA experience. Evidence of clear number of Oracle DBA experience on CV and the versions of oracle databases supported. (<u>Less compliant with requirements</u>) 1 = Bidder has at least 1 experienced Oracle DBAs who has 3 to 5 years Oracle DBA experience. Evidence of clear 	30%

	<p>number of Oracle DBA experience on CV and the versions of oracle databases supported. (<u>Partially compliant with requirements</u>)</p> <ul style="list-style-type: none"> 0 = Bidder has an Oracle DBA with less than 3 years Oracle DBA experience. Evidence of clear number of Oracle DBA experience on CV and the versions of oracle databases supported. (<u>Does not comply with requirements</u>). 	
Oracle Financials (Resource / required on ad-hoc basis)	<ul style="list-style-type: none"> 5 = Bidder has provided a CV of the resource for Functional Oracle Financials with 15 or more experience. (<u>Exceptionally compliant with requirements</u>) 4 = Bidder has provided a CV of the resource for Functional Oracle Financials with 10 to 15 years' experience. (<u>Slightly above compliance with requirements</u>) 3 = Bidder provided a CV of the resource for Functional Oracle Financials with 5 to 10 years' experience. (<u>Fully compliant with requirements</u>) 2 = Bidder provided a CV of the resource for Functional Oracle Financials with 3 to 5 years' experience. (<u>Less compliant with requirements</u>) 1 = Bidder provided a CV of the resource for Functional Oracle Financials with 1 to 3 years' experience. (<u>Partially compliant with requirements</u>) 0 = Bidder did not provide a CVs of the resources for Functional Oracle Financials and / or the resource has less than 1 year' experience. Does not comply with the requirements for Functional resource. (<u>Does not comply with requirements</u>). 	20%
Resource experience for Oracle on Unix flavors (Solaris, Linux, Debian) for Operating systems	<ul style="list-style-type: none"> 5 = Bidder's resource with experience of Unix script writing of at least 7 years or more on Solaris and other UNIX flavors. Evidence of resource certification of Unix certifications and number of years for experience. (<u>Exceptionally compliant with requirements</u>) 4 = Bidder's resource with experience of Unix script writing of at least 7 years or more on Solaris and other UNIX flavors. Evidence of resource certification of Unix 	20%

	<p>certifications and number of years for experience. <u>(Slightly above compliant with requirements)</u></p> <ul style="list-style-type: none"> • 3 = Bidder's resource with experience of Unix script writing of at least three resources of 4 years but less than 7 years on Solaris and other. Evidence of resource Unix certification and number of years of experience. <u>(Fully compliant with requirements)</u> • 2 = Bidder's resource with experience of script writing in UNIX script writing of at least two resources of 3 years but less than 4 years on Solaris and other. Evidence of resource certificate of attendance (Unix training certificate) and number of years of experience. <u>(Less compliant with requirements)</u> • 1 = Bidder's resource with experience of script writing on Unix of at least 1 year but less than 3 years on Solaris and other. Evidence of number of years with no training certificate (certificate of attendance). <u>(Partially compliant with requirements)</u> • 0 = Bidder's resource does not comply with the requirement for Unix experience or did not provide evidence and no certificate of attendance. <u>Does not comply with requirements</u>. 	
--	---	--

7.3 Stage 3 - Pricing and B-BBEE

7.3.1 Pricing Evaluation:

Pricing Evaluation: Only Bidders who have achieved the 65% threshold for Technical evaluation will be evaluated for BBEE and Price.

A maximum of 80 points is allocated for price. The evaluation for price will be done based on the following formula:

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

Where

- Ps = Points scored for price of bid under consideration
- Pt = Price of bid under consideration
- Pmin = Price of lowest acceptable bid

BEE Evaluation: The B-BBEE component of evaluation is weighted at 20% of the evaluation criteria. Determination of points of B-BBEE is based on the B-BBEE Recognition Level as per table on 7.3.2.

7.3.1.1 Bill of Quantities for Software

The table below is for the required bill of quantities services with an indication of the hourly rate for the resource. The bidder needs to fully complete the hourly rates for both normal support and after-hours support, the total for each support component and the combined cost. A bidder who fails to complete all the required information be disqualified.

Product Name	Required Hours	Hourly Rate	Total
Normal Support Hours	1700 Hours	R	R
After Hours Support	300 Hours	R	R
TOTAL VAT INCLUSIVE (15%)			R
Grant Total Cost for 12 Months			R

NB: ONLY VAT VENDORS TO CHARGE VAT

7.3.2 B-BBEE Evaluation:

A maximum of 20 points is allocated for B-BBEE. The allocation of points for B-BBEE is as follows:

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

DELIVERY PERIOD: Suppliers are requested to offer their earliest delivery period possible.

Delivery will be effected within working days from date of order. (To be completed by Supplier)

VALIDITY PERIOD: PRASA desires a validity period up to **30 days** against this Quotation. It should be noted that suppliers may offer an earlier validity period, but that their quotation may in that event, be disregarded for this reason.

This Quotation is valid until (To be completed by Supplier)

YOUR REFERENCE:

PAYMENT:

Payment will be made upon completion of the works within 30 days from the date of receipt of correct invoice.

NOTE:

Non-submission of information which will be scored on functionality will lose points on functionality

Non-submission of certificate which will be scored on B-BBEE will lose points on Price and B-BBEE

Name and Address of Supplier:

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

Tel no.:

Fax no.:

Contact signature:.....

SUPPLY CHAIN MANAGEMENT

Email: Mphielo.Nondabula@prasa.com

1. Any legal person, including persons employed by the state*, 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 and/or take an oath declaring his/her interest, 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, shareholder etc):

.....

2.4 Company Registration Number:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

* "State" means –

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

2.7 Are you or any person connected with the bidder presently employed by the state?

YES / NO

2.7.1 If so, furnish the following particulars:

2.7.2

Name of person / director / shareholder/ member:

Name of state institution to which the person is connected:

Position occupied in the state institution:

Any other particulars:

.....

.....

.....

- 2.8 Did you or your spouse, or any of the company's directors
shareholders / members or their spouses conduct business
with the state in the previous twelve months?

YES / NO

DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME IN TERMS OF PRASA'S GENERAL
CONDITIONS OF TENDER AS STIPULATED IN THE RFP 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.

1.1 GENERAL CONDITIONS

a) The value of this bid is estimated not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or

1.2 Points for this bid shall be awarded for:

2.

2.1 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
 - (a) Price; and
 - (b) B-BBEE Status Level of Contributor.

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

2.2.1 Price -	80
2.2.2 B-BBEE Status Level of Contributor-	<u>20</u>
2.2.3 Total points for Price and B-BBEE -	<u>100</u>

2.3 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.

2.4 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.

3. 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 bidder to provide goods or services in accordance with specifications as set out in the tender/ RFQ 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;

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

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

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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	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 4.1 AND 5.1

- 7.1 B-BBEE Status Level of Contributor. =(maximum of 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 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:

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

(***Tick applicable box***)

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

- 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 √	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

.....

.....

.....

COMPANY CLASSIFICATION

- ☐ Manufacturer
 - ☐ Supplier
 - ☐ Professional service provider
 - ☐ Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

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

9.7 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-BBEE status level of contributor indicated in paragraph 5.1 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	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? (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). <i>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	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)? <i>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</i>	Yes <input type="checkbox"/>	No <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 <input type="checkbox"/>	No <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 <input type="checkbox"/>	No <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 bids¹ 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).² 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:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² 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 consortium³ 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.

³ 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.

10. 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.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

SBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

- x is the imported content in Rand
y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) on the date of advertisement of the bid as indicated in paragraph 3.1 below.

The SABS approved technical specification number SATS 1286:2011 is accessible on <http://www.thedti.gov.za/industrial-development/ip.jsp> at no cost.

- 1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

2.1.1 The details of Local Content process will be as detailed under **14.1** as contained in the RFT document. Bidders who do not complete this form will be automatically disqualified.

2.1.2 Sectors / products (not limited to) listed below are subjected to local content requirements:

3. Does any portion of the goods or services offer have any imported content?

(Tick applicable box)

YES		NO	
-----	--	----	--

3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on www.resbank.co.za

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

3. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

LOCAL CONTENT DECLARATION
(REFER TO ANNEX B OF SATS 1286:2011)

LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)

IN RESPECT OF BID NO.

ISSUED BY: (Procurement Authority / Name of Institution):
.....

NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on http://www.thedti.gov.za/industrial_development/ip.jsp. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, (full names),

do hereby declare, in my capacity as

of(name of bidder entity), the

following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
 - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.

The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E.

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

COMMISSIONER OF OATH

I certify that the above has acknowledged that he/she knows and understands the contents of this document, that he/she does not have any objection to taking the oath, and that he/she considers it to be binding on his/her conscience, and which was sworn to and signed before me at _____ on this the _____ day of _____ 20____, and that the administering oath complied with the regulations contained in Government Gazette No. R 1258 of 21 July 1972, as amended.

_____ (Sign – SERVICE PROVIDER)

_____ (Name – SERVICE PROVIDER)

COMMISSIONER OF OATHS STAMP AND DETAILS OF PERSON

STAMP :

NAME & SURNAME:

DESIGNATION/RANK :

PERSAL/EMPLOYEE NO:

PLACE/DATE:

PRASA GENERAL CONDITIONS OF PURCHASE

General

PRASA and the Supplier enter into an order/contract on these conditions to supply the items (goods/services/works) as described in the order/contract.

Conditions

These conditions form the basis of the contract between PRASA and the Supplier. Notwithstanding anything to the contrary in any document issued or sent by the Supplier, these conditions apply except as expressly agreed in writing by PRASA. No servant or agent of PRASA has authority to vary these conditions orally. These general conditions of purchase are subject to such further special conditions as may be prescribed in writing by PRASA in the order/contract.

Price and payment

The price or rates for the items stated in the order/contract may include an amount for price adjustment, which is calculated in accordance with the formula stated in the order/contract. The Supplier may be paid in one currency other than South African Rand. Only one exchange rate is used to convert from this currency to South African Rand. Payment to the Supplier in this currency other than South African Rand, does not exceed the amounts stated in the order/contract. PRASA pays for the item within 30 days of receipt of the Suppliers correct tax invoice.

Delivery and documents

The Supplier's obligation is to deliver the items on or before the date stated in the order/contract. Late deliveries or late completion of the items may be subject to a penalty if this is imposed in the order/contract. No payment is made if the Supplier does not provide the item as stated in order/contract.

Where items are to be delivered the Supplier:

Clearly marks the outside of each consignment or package with the Supplier's name and full details of the destination in accordance with the order and includes a packing note stating the contents thereof; On dispatch of each consignment, sends to PRASA at the address for delivery of the items, an advice note specifying the means of transport, weight, number of volume as appropriate and the point and date of dispatch; Sends to PRASA a detailed priced invoice as soon as is reasonably practical after dispatch of the items, and states on all communications in respect of the order the order number and code number (if any).

Containers / packing material

Unless otherwise stated in the order/contract, no payment is made for containers or packing materials or return to the Supplier.

Title and risk

Without prejudice to rights of rejection under these conditions, title to and risk in the items passes to PRASA when accepted by PRASA.

Rejection

If the Supplier fails to comply with his obligations under the order/contract, PRASA may reject any part of the items by giving written notice to the Supplier specifying the reason for rejection and whether and within what period replacement of items or re-work are required.

In the case of items delivered, PRASA may return the rejected items to the Supplier at the Supplier's risk and expense. Any money paid to the Supplier in respect of the items not replaced within the time required, together with the costs of returning rejected items to the Supplier and obtaining replacement items from a third party, are paid by the Supplier to PRASA.

In the case of service, the Supplier corrects non-conformances as indicated by PRASA.

Warranty

Without prejudice to any other rights of PRASA under these conditions, the Supplier warrants that the items are in accordance with PRASA's requirements, and fit for the purpose for which they are intended, and will remain free from defects for a period of one year (unless another period is stated in the Order) from acceptance of the items by PRASA.

Indemnity

The Supplier indemnifies PRASA against all actions, suits, claims, demands, costs, charges and expenses arising in connection therewith arising from the negligence, infringement of intellectual or legal rights or breach of statutory duty of the Supplier, his subcontractors, agents or servants, or from the Supplier's defective design, materials or workmanship.

The Supplier indemnifies PRASA against claims, proceedings, compensation and costs payable arising out of infringement by the Supplier of the rights of others, except an infringement which arose out of the use by the Supplier of things provided by PRASA.

Assignment and subcontracting

The Supplier may not assign or subcontract any part of this order/contract without the written consent of PRASA.

Termination

PRASA may terminate the order/contract at any time (without prejudice to any right of action or remedy which has accrued or thereafter accrues to PRASA):

If the Supplier defaults in due performance of the order/contract, or if the Supplier becomes bankrupt or otherwise is, in the opinion of PRASA, in such financial circumstances as to prejudice the proper performance of the order/contract, or for any other reason in which case the Supplier will be compensated for all costs incurred.

Governing law

The order/contract is governed by the law of the Republic of South Africa and the parties hereby submit to the non-exclusive jurisdiction of the South African courts.

