



state security

State Security Agency
REPUBLIC OF SOUTH AFRICA

**INVITATION TO
BID**

Bid No.	SSA/21/2021-22	
Bid Description	APPOINTMENT OF A PROFESSIONAL AND LEGAL SERVICE PROVIDER FOR A PERIOD OF TWO YEARS	
The successful bidder/s will be required to fill in and sign a written Contract Form (SBD 7)		
Contact Person:		
	Name:	Ms Matshidiso Gaba
	Email address:	matshidisog@ssa.gov.za
	Telephone No:	(012) 426 2138
Compulsory bid briefing	Venue, Date and Time	SSA Headquarters Reception, Musanda Complex, R50 Delmas Road, Rietvlei, PRETORIA 12 November 2021 at 10:00
Closing time and date for bid and venue	Time and Date:	11:00 on the 03 December 2021 at SSA Headquarters Reception, Musanda Complex, R50 Delmas Road, Rietvlei, PRETORIA
	Condition	Bids received after the closing time and date are late and will as a rule not to be accepted for consideration Bids should be in a sealed envelope clearly marked with the above bid number, description and State Security Agency.
Delivery address and conditions for delivery of bids	Delivery address:	SSA Headquarters Reception, Musanda Complex, R50 Delmas Road, Rietvlei, PRETORIA
		Bidders must ensure that the bids are delivered timeously to the correct address. The bid box will be open from: △ Monday to Friday – 08h00 to 16h00

- The SBD 1 and all other application forms attached as Part 3 must be completed and signed in the original that is in ink.
- Forms with photocopied signatures or other such reproduction of signatures will be rejected.
- Bids by telegram facsimile or other similar apparatus will not be acceptable for consideration

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (STATE SECURITY AGENCY)					
BID NUMBER:	SSA/21/2021-22	CLOSING DATE:	03 December 2021	CLOSING TIME:	11:00
DESCRIPTION:	APPOINTMENT OF A PROFESSIONAL AND LEGAL SERVICE PROVIDER FOR A PERIOD OF TWO YEARS				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
SSA HEADQUARTERS RECEPTION					
MUSANDA COMPLEX					
1 JOE NHLANHLA STREET					
PRETORIA					
0181					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:					
CONTACT PERSON	Ms. Matshidiso Gaba				
TELEPHONE NUMBER	+27 (12) 426 2138				
E-MAIL ADDRESS	matshidisogaba@ssa.gov.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					
TOTAL BID PRICE Inc. VAT					
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 THE QUESTIONNAIRE BELOW]
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QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:

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

2. TAX COMPLIANCE REQUIREMENTS

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

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g. company resolution)

DATE:

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DEFINITIONS

The rules of interpretation and defined terms contained in the General Conditions of Contract (GCC) shall apply to this invitation to bid unless the context requires otherwise.

In addition, the following terms used in this invitation to bid shall, unless indicated otherwise, have the meanings assigned to such terms in the table below.

SSA	State Security Agency.
Invitation to bid	Invitation to bid comprising <ul style="list-style-type: none">○ The cover page and the table of content and definitions○ Part 1 which details the Conditions of Bid○ Part 2 which details the Terms of Reference relating to the service○ Part 3 which contains all the requisite bid forms and certificates; As read with GCC – General Conditions of Contract
Services	Defined services on the cover page of this invitation to bid and described in detail in the Terms of Reference;
Specifications /Terms of Reference	Specifications or terms contained in Part 2 of this invitation to bid;

Part 1

Conditions of Bid

1. BACKGROUND AND INTRODUCTORY PROVISIONS

Refer to Part 2 of this invitation to bid for background and introductory information relating to the Services and this invitation to bid.

2. OFFER AND SPECIAL CONDITIONS

2.1 Without detracting from the generality of clause below, bidders must submit a completed and signed and requisite bid forms attached as Part 3 with its bid. Bidders must take careful note of the conditions of award.

2.2 **All bids submitted in reply to this invitation to bid should incorporate all the forms, parts, certificates and other documentation forming part of this invitation to bid, duly completed where required.**

2.3 **It is a requirement that Tax matters of a service provider must be complaint with SARS when submitting, during and at the award of this tender.**

2.4 In the event that any form or certificate provided in Part 3 of this invitation to bid does not have adequate space for the bidder to provide the requested details, the bidder should attach an annexure to such form or certificate on which the requested details should be provided and the bidder should refer to such annexure in the form or certificate provided.

3. CLOSING TIME OF BIDS AND PROVISIONS RELATING TO SUBMISSION OF BIDS

3.1 The closing date and time for the receipt of bids in response to this invitation to bid is detailed on the cover page of this invitation to bid.

3.2 All bids must be submitted in a sealed envelope bearing the bid number, bid description and closing date.

3.3 All bids must be deposited before the closing time and date stipulated above in the bid box at the address detailed on the cover page of this invitation to bid.

4. ENQUIRIES

Should any bidder have any enquiries relating to this invitation to bid, such enquiries may only be addressed to the person/s detailed on the cover page to this invitation to bid at the number/s stipulated. Bidders are given until two (2) days before the closing date to forward enquiries regarding the tender.

5. COMPULSORY BID BRIEFING/SESSION

There is a compulsory briefing session for this tender.

6. TAX CLEARANCE

The bidder should have compliant tax matters with SARS when submitting bid documentation. A pro forma application for Tax Clearance Certificate (SBD 2) is attached as Part 3 – Schedule B. Bidder must take specific note of the conditions stipulated in SBD 2. Tax clearance certificate and B-BBEE certificate must be renewed every 12 months and must be submitted to Supply Chain Management.

7. PRICING

7.1 The bidder(s) must submit details regarding the bid price for the Services on the Pricing Schedule form/s attached as Part 3 – Schedule C which completed form/s must be submitted together with the bid documents.

7.2 Pricing stipulated must be **INCLUSIVE OF VALUE ADDED TAX**.

7.3 It is an express requirement of this invitation to bid that the bidders provide some transparency in respect to their pricing approach. In this regard, bidders must indicate the basis on which they have calculated their pricing by completing all aspects of the Pricing Schedule form Part 3 – Schedule C.

7.4 The total price including VAT should be transferred to SBD1.

8. DECLARATION OF INTEREST

The bidder should submit a duly signed declaration of interest (SBD 4) together with the bid. The declaration of interest is attached as Part 3 – Schedule D.

9. DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

The bidder must complete the declaration and sign accordingly to submit with the bid. The declaration of bidder's past supply chain management practices is attached as Part 3 – Schedule E.

10. QUALIFICATIONS OF BIDDERS

Bidders must submit detailed information together with their bid and disclose the experience in the relevant trade together with present contracts. These details should be submitted together with the bid on the form attached as Part 3 – Schedule G.

11. PARTNERSHIPS AND LEGAL ENTITIES

In the case of the bidder being a partnership, close corporation or a company all certificates reflecting the names, identity numbers and address of the partners, members or directors (as the case may be) must be submitted with the bid. These details should be submitted on the form attached as Part 3 – Schedule H.

12. CONSORTIUM / JOINT VENTURE

12.1 It is recognized that bidders may wish to form consortia to provide the Services.

12.2 A bid in response to this invitation to bid by a consortium shall comply with the following Requirements:-

12.2.1 It shall be signed so as to be legally binding on all consortium members;

12.2.2 One of the members shall be nominated by the others as authorized to be the lead member and this authorization shall be included in the agreement entered into between the consortium members;

12.2.3 The lead member shall be the only authorized party to make legal statements, communicate with the SSA and receive instructions for and on behalf of any and all the members of the consortium;

12.2.4 A copy of the agreement entered into by the consortium members shall be submitted with the bid.

12.2.5 Each party to the Consortium must submit a BBBEE Status Level Verification certificate.

12.2.6 Each party to the Consortium must be tax compliant with SARS.

12.2.7 Parties should be registered on the Central Supplier Database or be willing to register on such a database.

12.3 Preference points will only be awarded when a consolidated BBBEE Certificate is submitted.

13. ORGANISATIONAL PRINCIPLES

The bidder should submit a clear indication of the envisaged authorized organisational principles, procedures and functions for an effective delivery of the required Service. These details should be submitted on the form attached as Part 3 – Schedule I.

14. DETAILS OF THE PROSPECTIVE BIDDERS NEAREST OFFICE TO THE LOCATION OF THE CONTRACT

The bidder should provide full details regarding the bidders nearest office base in the province (see Part 3 of this invitation to bid). These details should be provided on the form attached as Part 3 – Schedule J which completed form must be submitted together with the bid.

15. FINANCIAL PARTICULARS

Bidder must provide full details regarding its financial particulars and standing, which particulars should be submitted together with the bid on the form attached as Part 3- Schedule K.

16. PREFERENCE POINTS CLAIM FORMS

Part 3 – Schedule L contains the Preference Points Claim Forms in terms of Preferential Procurement Regulations, 2017 to be completed and signed by the bidder to the extent applicable and returned with this bid.

17. VALIDITY

Bid documentation submitted by the bidder will be valid and open for acceptance for a period of **(150) one hundred and fifty** calendar days from the closing date and time stipulated on the front cover of this invitation to bid.

18. ACCEPTANCE OF BIDS

18.1 The SSA does not bind itself to accept either the lowest or any other bid and reserves the right to accept the bid which it deems to be in the best interest of the Department.

18.2 The SSA reserves the right to award the bid in wholly or in part thereof.

19. NO RIGHTS OR CLAIMS

19.1 Receipt of the invitation to bid does not confer any right on any party in respect of the Services or in respect of or against the SSA. The SSA reserves the right, in its sole discretion, to withdraw by notice to bidders any Services or combination of Services from the bid process, to terminate any party's participation in the bid process or to accept or reject any response to this invitation to bid on notice to the bidders without liability to any party. Accordingly, parties have no rights, expressed or implied, with respect to any of the Services as a result of their participation in the bid process.

19.2 The SSA, nor any of their respective directors, officers, employees, agents, representatives or advisors will assume any obligations for any costs or expenses incurred by any party in or associated with any appraisal and/or investigation relating to this invitation to bid or the subsequent submission of a bid in response to this invitation to bid in respect of the Services or any other costs, expenses or liabilities of whatsoever nature and howsoever incurred by bidders in connection with or arising out of the bid process.

20. NON DISCLOSURE, CONFIDENTIALITY AND SECURITY

20.1 The invitation to bid and its contents are made available on condition that they are used in connection with the bid process set out in the invitation to bid and for no other purpose. All information pertaining to this invitation to bid and its contents shall be regarded as restricted and divulged on a "need to know" basis with the approval of the SSA.

20.2 In the event that the bidder is appointed pursuant to this invitation to bid such bidder may be subject to security clearance prior to commencement of the Services.

21. ACCURACY OF INFORMATION

21.1 The information contained in the invitation to bid has been prepared in good faith. The SSA nor any of their respective directors, advisors, officers, employees, agents, representatives make any representation or warranty or give any undertaking express or implied, or accept any responsibility or liability whatsoever, as to the contents, accuracy or completeness of the information contained in the invitation to bid, or any other written or oral information made available in connection with the bid and nothing contained herein is, or shall be relied upon as a promise or representation, whether as to the past or the future.

- 21.2 This invitation to bid may not contain all the information that may be required to evaluate a possible submission of a response to this invitation to bid. The bidder should conduct its own independent analysis of the operations to the extent required to enable it to respond to this bid.

22. COMPETITION

- 22.1 Bidders and their respective officers, employees and agents are prohibited from engaging in any collusive action with respect to the bidding process which serves to limit competition amongst bidders.
- 22.2 In general, the attention of bidders is drawn to Section 4(1) (iii) of the Competition Act 1998 (Act No. 89 of 1998) (the Competition Act) that prohibits collusive bidding.
- 22.3 If bidders have reason to believe that competition issues may arise from any submission of a response to this bid invitation they are encouraged to discuss their position with the competition authorities before submitting response.
- 22.4 Any correspondence or process of any kind between bidders and the competition authorities must be documented in the responses to this invitation to bid.
- 22.5 Part 4 (Schedule F) should be completed and duly signed.

23. RESERVATION OF RIGHTS

- 23.1 Without limitation to any other rights of the SSA (whether otherwise reserved in this invitation to bid or under law), the SSA expressly reserves the right to:-
- 23.1.1 Request clarification on any aspect of a response to this invitation to bid received from the bidder, such requests and the responses to be in writing;
- 23.1.2 Amend the bidding process, including the timetables, closing date and any other date at its sole discretion.
- 23.1.3 Reject all responses submitted by bidders and to embark on a new bid process.

24. SECURITY REQUIREMENTS

- 24.1 **Security clearances:** The bidder's (principal or joint venture contractor) employees and sub Bidders **are** required at all times during the contract period to be in possession of valid security clearances to the level determined by SSA commensurate with the nature of the project activities they are involved in. The cost of obtaining suitable clearances is for the account of the bidders.
- 24.2 The vendors shall supply and maintain a list of personnel involved on the account indicating their clearance status. Negative or failure of security clearance or vetting by the bidder, bidder's employees or partners at any stage during the contracting or contract period and lack of or inability to obtain acceptable replacements by the contractor may lead to the cancellation of the contract. The Bidders and their sub-Bidders will be re-vetted for every event during the period of contracting (3 years).

25. PERIOD FOR THIS PROJECT

SLA will be signed with the successful bidder for a period of two (2) years.

PART 2
Specifications

1. INTRODUCTION

The SSA requires a professional and legal expert service provider (bidder) specialising in the field of communications technology and Regulation of Interception of Communications and Communications-Related Information Act 70 of 2002 (RICA), to render legal advice on the alignment of the law with the rapid technological developments, cybersecurity risk mitigation measures, and any other legal matters relating to the impact of technological developments on lawful interception; including conducting benchmarks and business analysis.

2. BACKGROUND

- 2.1 Open tender process is said to be an authentic process to ensure competition that will result in the appointment of experienced service providers, meeting SSA requirements. The tender process will ensure competitive participation of the identified prospective service providers and the appointment of the highest points scoring bidder thereof, based on price.
- 2.2 Subject to the requirements contained in this document, the State Security Agency (SSA) wishes to invite tenders for the indicated SERVICES.
- 2.3 Bidders are invited to prepare and submit before the closing date, a comprehensive bid with firm pricing on the provision of legal, technical advice and conducting of governance framework reviews as indicated in accompanying Annexure A.

3. SCOPE OF THE REQUEST

The successful bidder will be expected to obtain client instructions, research and advice; as outlined below.

- a. It will be expected of the successful bidder to review the current state of technology affecting lawful interception and advise on the alignment of legislation in anticipation of future technological developments.
- b. It will also be expected of the successful bidder to also conduct benchmarking, business analysis and review the governance frameworks on lawful interception.

Item Nr	Legal and Technical Advice Specifications	Consultations Required
1.	Legal and technical advice on the adoption of lawful interception management systems technology in a rapidly developing technological environment with due regard to RICA or relevant legislation	1
1.1	Initial consultation and taking instructions	1
1.2	Conduct comprehensive research and compile advice	
1.3	Post advice consultation	2
2.	Legal and technical advice on lawful data management relating to storage, protection, use, sharing, copying and destruction of information as per RICA and related legislation	1
2.1	Initial consultation and taking instructions	1
2.2	Conduct comprehensive research and compile advice	
2.3	Post advice consultation	2
3.	Legal and technical advice on compliance and monitoring tools on RICA	1
3.1	Initial consultation and taking instructions	1
3.2	Conduct comprehensive research and compile advice	
3.3	Post advice consultation	2
4.	Legal and technical advice on cybersecurity and related matters, and mitigation of risk associated with data processing for purposes of lawful interception	1
4.1	Initial consultation and taking instructions	1
4.2	Conduct comprehensive research and compile advice	
4.3	Post advice consultation	2

Item Nr	Legal and Technical Advice Specifications	Consultations Required
5.	Legal advice on how the ISPA Fund should be structured and financed, considering the technological advancements and evolution of the internet industry.	1
5.1	Initial consultation and taking instructions	1
5.2	Conduct comprehensive research and compile advice	
5.3	Post advice consultation	2
6.	Any other legal matter relating to Technical Directives, RICA (and related amended legislation) and the impact of technological developments on their application	1
6.1	Initial consultation and taking instructions	1
6.2	Conduct comprehensive research and compile advice	
6.3	Post advice consultation	2
B	Governance frameworks review	
1.	Conduct benchmark, business analysis, review established governance frameworks and compile reports	1
1.1	Initial consultation and review of current governance frameworks	1
1.2	Conduct subsequent consultation	1
1.3	Conduct comprehensive research and compile benchmark and business analysis report	
1.4	Post benchmark and business analysis consultation	2

4. EVALUATION CRITERIA

All bids will be evaluated in terms of compliance and preference point system which comprises of the following:

4.1 Phase 1: Pre evaluation of the bid documents as per the table below.

4.1.1	Bid Document (This Document - All pages Completed, Initialed and signed by Bidder)
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4.1.2	Invitation to bid (Completed and signed) (SBD 1)
4.1.3	General Conditions of Contract (Schedule A)
4.1.4	Original and valid Tax Clearance Certificate as stipulated (SBD 2) (Schedule B)
4.1.5	Pricing Schedules (SBD3.1) (Schedule C)
4.1.6	Declaration of Interest (SBD 4) (Schedule D)
4.1.7	Declaration of Bidder's Past Supply Chain Management Practices Invitation to bid (SBD 8) (Schedule E)
4.1.8	Certificate of Bid Determination (SBD 9) (Schedule F)
4.1.9	Qualifications and Experience - completed and signed (Schedule G)
4.1.10	Organizational Type (Schedule H)
4.1.11	Organisational Structure (Schedule I)
4.1.12	Details of Bidder's nearest office (Schedule J)
4.1.13	Financial Particulars (Schedule K)
4.1.14	Preference Points Claim Forms (SBD 6.1) (Schedule L)
4.1.15	Security Clearance Requirements (Schedule M)
4.1.16	JV or Consortium Agreement where applicable
4.1.17	CSD Registration

4.2 Phase 2: bidders will be subjected to scrutiny to check whether the proposals received are compliant to the conditions of the bid as well as the TOR/Specifications of the bid. Bidders who do not comply with the specification or Terms of Reference will be disqualified.

Service provider should attain a minimum score of 70 out of 100 on the below criteria to be able to be evaluated on price and preference.

No.	Criteria	Scoring	Maximum points
Legal and Technical Expertise and Experience			
1.	Provision of Legal and Technical advice		
1.1	Experience in advising on RICA, Telecommunications regulatory regime, their constitutionality, and that of related communications legislations.		

	0-3 years	4	25
	3-4 year	6	
	5 years and above	8	
1.2	Experience in advising on the alignment of RICA provisions (structure and financing of ISPA Fund) to the current rapidly advancing technological climate.		
	0-3 years	3	
	3-4 years	4	
	5 years and above	5	
1.3	Experience in advising on the Lawful Interception Technical Directives and the impact of technological developments on their application.		
	0-3 years	4	
	3-4 years	5	
	5 years and above	7	
1.4	Experience in provision of legal and technical advice on cybersecurity and risk mitigation associated with data processing for purposes of lawful interception.		
	0-3 years	3	
	3-4 years	4	
	5 years and above	5	
2.	Organizational experience in conducting benchmarking and business analysis within the telecommunications environment.		10
	No expertise	0	
	Basic, company profile	4	
	Company profile and staff compliment	6	
	Company profile with staff or functionality authority organisational structure	8	
	Comprehensive structure and completed projects of similar nature	10	
3.	Quality of service delivery		
	No quality assurance method proposed	0	

	Workable quality management plan that is likely to result in quality work	6	10
	Basic quality management plan with resources	8	
	Comprehensive service delivery (presentation) and management plan	10	
4.	Advisor/s relevant qualification level		10
	NQF 7	6	
	NQF 8	8	
	NQF 9 and above	10	
5.	Advisor/s no of project involvement		25
	1-3 Projects	10	
	4-6 Projects	15	
	7 Projects and above	25	
6.	Advisor/s testimonials from previous or current clients		10
	1-3 testimonials	5	
	4-6 testimonials	8	
	7 testimonials and above	10	
7.	Advisor/s relevant benchmarking / business analysis experience in years		10
	1-3 years	6	
	4-6 years	8	
	7 years and above	10	
	TOTAL		100

4.3 Phase 3: Price and B-BBEE stage evaluation in terms of the 80/20 preference point systems

The bid will be evaluated in terms of the 80/20 point system as stipulated in the Preferential Procurement Regulations, 2017. 80 points will be allocated for price and 20 points for attaining the B-BBEE status level of contributor.

The following formulae will be used in calculating points scored for price as follows:

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

Where

P_s = Points scored for comparative price of tender or offer under Consideration

P_t = Comparative price of tender or offer under consideration; and

P_{\min} = Comparative price of lowest acceptable tender or off

- Points scored must be rounded off to the nearest 2 decimal places.

NB: Bidders are required to, together with their bids submit original and valid B-BBEE status level verification certificates/affidavits or certified copies to substantiate their B-BBEE rating claim. A bidder will not be disqualified from the bidding process if the bidder does not submit a certificate substantiating the B-BBEE status level of contribution nor is a non-compliant contributor. Such a bidder will score 0 out of maximum of 20 points for B-BBEE. Total points scored will be calculated by adding points scored for price and B-BBEE Contributor Level.

4.4 Evaluation in terms of BBEE points

Bidders are required to, together with their bids submit original and valid B-BBEE status level verification certificates or certified copies to substantiate their B-BBEE rating claims. A bid will not be disqualified from the bidding process if the bidder does not submit a certificate substantiating the B-BBEE status level of contribution nor is a non-compliant contributor. Such a bidder will score 0 out of maximum of 20 points for B-BBEE.

Point allocation will be done as per the below table:-

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

Part 3- Schedule A

General Conditions of Contract and Special Conditions of Contracts

NOTES

The purpose of this document is to:

- (i) Draw special attention to certain general conditions applicable to government bids, contracts and orders; and
- (ii) To ensure that clients be familiar with regard to the rights and obligations of all parties involved in doing business with government.

In this document words in the singular also mean in the plural and vice versa and words in the masculine also mean in the feminine and neuter.

- The General Conditions of Contract will form part of all bid documents and may not be amended.
- Special Conditions of Contract (SCC) relevant to a specific bid, should be compiled separately for every bid (if applicable) and will supplement the General Conditions of Contract. Whenever there is a conflict, the provisions in the SCC shall prevail.

NB: SEE ATTACHED GENERAL CONDITIONS OF CONTRACT

Part 3 – Schedule B

Application for Tax Clearance Certificate

TAX CLEARANCE REQUIREMENTS IT IS A CONDITION OF BIDDING:-

1. It is an absolute requirement that the taxes of the successful bidder **must** be in order or that satisfactory arrangements have been made with the Receiver of Revenue to meet his / her obligations.
2. The attached form, Application for Tax Clearance Certificate (in respect of bids), must be completed by the bidder in all respects and submitted to the Receiver of Revenue where the bidder is registered for tax purposes. That Receiver of Revenue will then furnish the bidder with a Tax Clearance Certificate that will be valid for 6 months from date of issue. This Tax Clearance Certificate must be submitted in the original together with the bid. Failure to submit an **original** and valid Tax Clearance Certificate at the time of submission of the bid **shall** invalidate the bid.
3. In bids where Consortia/ Joint Ventures /Sub-Contractors are involved each party must submit a separate Tax Clearance Certificate. Copies of the Application for Tax Clearance Certificate are available at any Receiver's Office.

APPLICATION FOR TAX CLEARANCE CERTIFICATE (IN RESPECT OF OFFERORS)

1. Name of taxpayer / bidder: _____

2. Trade name: _____

3. Identification number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

1. Company / Close Corporation registration number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

2. Income tax reference number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

3. VAT registration number (if applicable):

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

4. PAYE Employer's registration number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

(If applicable)

Signature of contact person requiring Tax Clearance Certificate:

Name: _____

Telephone Number: Code: _____ Number: _____

Address: _____

DATE: ____ / ____ / ____

PLEASE NOTE THAT THE COMMISSIONER OF THE SOUTH AFRICAN REVENUE SERVICE (SARS) WILL NOT EXERCISE HIS DISCRETIONARY POWERS IN FAVOUR OF ANY PERSON WITH REGARD TO ANY INTEREST, PENALTIES AND/OR ADDITIONAL TAX LEVIABLE DUE TO THE LATE OR UNDER PAYMENT OF TAXES, DUTIES OR LEVIES OR THE RENDITION OF RETURNS BY ANY PERSON AS A RESULT OF ANY SYSTEM NOT BEING YEAR 2000 COMPLIANT.

SBD 3.3

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	BID NO.:
CLOSING TIME 11:00	CLOSING DATE.....

OFFER TO BE VALID FORDAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
---------	-------------	--

Item Nr	Legal and Technical Advice Specifications	Amount
1.	Legal and technical advice on the adoption of lawful interception management systems technology in a rapidly developing technological environment with due regard to RICA or relevant legislation	
1.1	Initial consultation and taking instructions	
1.2	Conduct comprehensive research and compile advice	
1.3	Post advice consultation	
2.	Legal and technical advice on lawful data management relating to storage, protection, use, sharing, copying and destruction of information as per RICA and related legislation	
2.1	Initial consultation and taking instructions	
2.2	Conduct comprehensive research and compile advice	
2.3	Post advice consultation	
3.	Legal and technical advice on compliance and monitoring tools on RICA	
3.1	Initial consultation and taking instructions	

Item Nr	Legal and Technical Advice Specifications	Amount
3.2	Conduct comprehensive research and compile advice	
3.3	Post advice consultation	
4.	Legal and technical advice on cybersecurity and related matters, and mitigation of risk associated with data processing for purposes of lawful interception	
4.1	Initial consultation and taking instructions	
4.2	Conduct comprehensive research and compile advice	
4.3	Post advice consultation	
5.	Legal advice on how the ISPA Fund should be structured and financed, considering the technological advancements and evolution of the internet industry.	
5.1	Initial consultation and taking instructions	
5.2	Conduct comprehensive research and compile advice	
5.3	Post advice consultation	
6.	Any other legal matter relating to Technical Directives, RICA (and related amended legislation) and the impact of technological developments on their application	
6.1	Initial consultation and taking instructions	
6.2	Conduct comprehensive research and compile advice	
6.3	Post advice consultation	
B	Governance frameworks review	
1.	Conduct benchmark, business analysis, review established governance frameworks and compile reports	
1.1	Initial consultation and review of current governance frameworks	

Item Nr	Legal and Technical Advice Specifications	Amount
1.2	Conduct subsequent consultation	
1.3	Conduct comprehensive research and compile benchmark and business analysis report	
1.4	Post benchmark and business analysis consultation	

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.

R.....

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-----	-----

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

-----	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 fund contributions and skills development levies.

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)

Bid No.: ...SSA/21/2021-22

Tel:

Or for technical information –

(INSERT NAME OF CONTACT PERSON)

Tel:

NB: BIDDERS MAY USE THEIR COMPANY LETTERHEAD FOR THE QOUTATIONS

Part 3-Schedule D

Declaration of Interest

SBD4

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

2.1 Full Name of bidder or his or her representative:

.....

2.2 Identity Number:

.....

2.3 Position occupied in the Company (director, trustee, shareholder²):

.....

2.4 CompanyRegistrationNumber:

.....

2.5 Tax Reference Number:

.....

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

¹“State” means –

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

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

2.7 Are you or any person connected with the bidder presently employed by the state? **YES/NO**

27.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

.....

Name of state institution at which you or the person connected to the bidder is employed:

.....

Position occupied in the state institution:

.....

Any other particulars:

.....

.....

.....

2.7.2 If you are presently employed by the state, did you obtain **YES / NO**

the appropriate authority to undertake remunerative work outside employment in the public sector?

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

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:
.....
.....
.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? YES / NO

2.8.1 If so, furnish particulars:
.....
.....
.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? YES / NO

2.9.1 If so, furnish particulars.
.....
.....
.....

2.10 Are you, or any person connected with the bidder, YES/NO
 aware of any relationship (family, friend, other) between
 any other bidder and any person employed by the state
 who may be involved with the evaluation and or adjudication
 of this bid?

2.10.1 If so, furnish particulars.

.....

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

2.11.1 If so, furnish particulars:

.....

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

Full Names	Identity Number	Personal Tax Reference Number	State Employee Number/ Persal Number

4. DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

Part 3-Schedule E

SBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1. This Standard Bidding Document must form part of all bids invited.
2. It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
3. The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
4. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(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).</p> <p>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.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>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.</p>	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

Part 3-Schedule F

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Standard Bidding Document (SBD) must form part of all bids¹
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

SBD 9

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.

SBD 9

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

Part 3- Schedule G

Qualification and Experience

1. Details of the extent of the company activities and business, e.g. branches etc:

2. A list of existing and/previous contracts relating to similar services:

Description of work and value	Period		Organization	Contact Person	Contact No
	Start date	End date			

3. Details of Qualifications of the Project Manager and the Key Personnel:

Name	Designation	Qualifications

.....
SIGNATURE OF (ON BEHALF OF) COMPANY

Part 3- Schedule H
Organisation Type

PARTNERSHIP/CLOSED CORPORATION/COMPANY
(delete which is not applicable)

The bidder comprises of the following partners/members/directors :

1. NAME _____
ADDRESS : _____
ID NUMBER: _____

2. NAME : _____
ADDRESS : _____
ID NUMBER: _____

3. NAME : _____
ADDRESS : _____
ID NUMBER: _____

4. NAME : _____
ADDRESS : _____
ID NUMBER: _____

5. NAME : _____
ADDRESS : _____
ID NUMBER: _____

.....
SIGNATURE OF (ON BEHALF OF) BIDDER

Part 3- Schedule J
Details of Supplier's Office

1. Physical address of supplier's office

2. Telephone No of office: _____

3. Time period for which such office has been used by supplier: _____

.....
SIGNATURE OF (ON BEHALF OF) BIDDER

NAME IN CAPITAL LETTERS

In the presence of:

1. _____

2. _____

Part 3- Schedule K

Financial Particulars

This schedule must be completed by the bidder and submitted together with the bid. Documentary proof confirming availability of financial resources to execute the contract from the bidder's financial institution and /or Audited Financial Statements must be submitted with the bid. If this requirement is not complied with in full the bid will be considered invalid

Nature of Service: _____

Name of bidder: _____

Bid Number: _____

	<p><u>FINANCIAL POSITION OF BIDDER</u></p> <p>I/we hereby certify that I/we have the necessary financial capacity and resources to execute the above contract successfully for the bid amount. I / we hereby attach letter confirming availability of financial resources from the financial institution. I / we give the SSA permission to contact the financial institution below to confirm the information provided.</p> <p>In the absence of the above, a letter confirming that the bidder has applied for financial assistance from any financial institution and that the institution is willing to favourably consider such application in the event that the bidder is successful, will also satisfy the Department.</p>
NAME OF FINANCIAL INSTITUTE	
ADDRESS	
TEL.NO	
FAX NO.	
CONTACT PERSON	

SIGNATURE OF (ON BEHALF OF) BIDDER

NAME IN CAPITALS

In the presence of:

1. _____

2. _____

Part 3- Schedule L

SBD 6.1

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

1.3 Points for this bid shall be awarded for:

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

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

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

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

are not claimed.

- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

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

or

$$P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

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

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

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

5. BID DECLARATION

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

5.1.1 B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

5.1.2 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.

6. SUB-CONTRACTING

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

(Tick applicable box)

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

6.1.1 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	<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 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		

7. DECLARATION WITH REGARD TO COMPANY/FIRM

7.1 Name of company/firm:.....

7.2 VAT registration number:.....

7.3 Company registration number:.....

7.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

7.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

7.6 COMPANY CLASSIFICATION

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

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

7.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES

1.

2.

.....

SIGNATURE(S) OF BIDDERS(S)

DATE:



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Part 3- Schedule M

SECURITY CLEARANCE REQUIREMENTS

DECLARATIONS

A. Does the business meet the government’s Black Economic Empowerment requirements as per the relevant industry charter?

Yes: No:

If YES Explain:

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B. Do you declare that the business is NOT a BEE front company?

Yes: No:

If NO Explain:

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C. Does the business have any associated family? Friends or business associates in the employ of the Ministry of Intelligence?

Yes: No:

If YES Explain:

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CONFIDENTIAL

D. Do any of the above mentioned in Declaration C have any financial interest in the business?

Yes: No:

If YES Explain:

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E. Do you declare that the company is currently in a stable and sustainable financial position

Yes: No:

If YES Explain:

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F. Has the business done any work for a foreign government intelligence agency?

Yes: No:.....

If YES Explain:

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G. Has the business or any of its principals/ employees obtained a security clearance from any foreign or local governmental institution?

Yes: No:

If YES Explain:

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CONFIDENTIAL

THE CONTENTS OF THIS DECLARATION FORM MUST BE CERTIFIED AS CORRECT

Hereby the undersigned certifies that:

1. Note is taken that the completed declaration is for official use only and will be treated as strictly **CONFIDENTIAL**.
2. The information stated in this declaration is accurate and true and note is taken that false information will have a negative effect on the security clearance of the company and its principals.
3. The signatory will be held immediately responsible for any fraudulent or incorrect information provided.

Company:

Respondents name:

I.D. number:

Position:

Date:

Signature:



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Security Clearance: Documentation Requirement for Companies

1. In terms of The National Strategic Intelligence Act 39 of 1994 as amended by the National Strategic Intelligence Act 67 of 2002 section 2A, members of the SSA may, in a prescribed manner, gather information relating to criminal records, financial records, personal information or any other information which is relevant to determine your security competence.
2. Please submit certified copies of the following documentation:
 - **Audited Financial Statements (To include Income Statement ,Balance Sheet, & Cash Flow Statements for a period of two years)**
 - **Bank statements of all accounts held, covering the last six (6) months.**
 - **Company Registration Certificate**
 - **Name Change Certificate / Amended Founding Statement (If Applicable)**
 - **List of Employees /Contractors who require access to the premises AND Identity Documents**
 - **Name & Contact details of Auditing / Accounting Firm**
 - **List of 5 major creditors and contact details**
 - **Letters declaring Members or directors involvement in associated businesses (Names and registration numbers of all companies associated with the Members / Directors)**
 - **Three (3) Letters of Recommendation**