



**SOUTH AFRICAN DIAMOND AND  
PRECIOUS METALS REGULATOR**

SA Diamond Center  
251 Fox Street  
JOHANNESBURG 2001, SOUTH AFRICA  
Entrance: Cnr Phillip & Main Streets

P. O. Box 16001, Doornfontein 2028 – South Africa  
Tel (011) 223 7000 Fax (011) 334-8898

## REQUEST FOR QUOTATION OF GOODS AND SERVICES

**DESCRIPTION: APPOINTMENT OF A SERVICE PROVIDER FOR THE FOR BOARD, BOARD COMMITTEES, CEO, COMPANY SECRETARY EVALUATION SERVICES OF THE SOUTH AFRICAN DIAMONDS AND PRECIOUS METALS REGULATOR.**

**RFQ NO: 10/02/2023**

Kindly furnish us with a written quotation as detailed in the enclosed schedule.

The quotation must be submitted on the letterhead of your business and submitted not later than **03 FEBRUARY 2023 @ 16h00 PM to email address: [quotations@sadpmr.co.za](mailto:quotations@sadpmr.co.za)**

### The following conditions will apply:

- 1) Price(s) quoted must be valid for at least thirty (30) days from date of your offer.
- 2) Price(s) quoted must be firm and inclusive of VAT.
- 3) A firm delivery period must be indicated.
- 4) These quotations will be evaluated in terms of Preferential Procurement Regulations, 2022:  
**80 points for price**  
**20 points for specific goals as follows:**
  - Enterprise owned by Black people – 5 points
  - Enterprise owned by Black women – 5 points
  - Enterprise owned by youth – 5 points
  - Small, medium and Micro Enterprise – 5 points
- 5) Only bidders registered on the central supplier database (CSD) and with a CSD number will be considered for this tender, as this is a requirement from the National Treasury.
- 6) Late responses will not be considered.

#### ISSUED BY:

**THE CHIEF EXECUTIVE  
OFFICER  
SOUTH AFRICAN DIAMOND  
AND PRECIOUS METALS  
REGULATOR  
P.O. BOX 16001  
DOORFONTEIN  
2028**

**Tel: (011) 223 7000  
Fax: (011) 334 8898**

#### CONTACT PERSON (SPECIFICATION)

**Ms. Cynthia Khadimovha**

**E-mail:  
[cynthiak@sadpmr.co.za](mailto:cynthiak@sadpmr.co.za)**

#### CONTACT PERSON (ADMINISTRATION)

**Ms. Masingita Nkomo-  
Fumani**

**E-mail:  
[masingitanf@sadpmr.co.za](mailto:masingitanf@sadpmr.co.za)**

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

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)**

BID NUMBER:	RFQ:10/02/2023	CLOSING DATE:	03 February 2023	CLOSING TIME:	16:00
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DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER FOR THE FOR BOARD, BOARD COMMITTEES, CEO, COMPANY SECRETARY EVALUATION SERVICES OF THE SOUTH AFRICAN DIAMONDS AND PRECIOUS METALS REGULATOR
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**BID RESPONSE DOCUMENTS SHOULD BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)**

**RESPONSES SHOULD BE EMAILED TO [quotations@sadpmr.co.za](mailto:quotations@sadpmr.co.za)**

<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>	<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>
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CONTACT PERSON	C Khadimovha	CONTACT PEOPLE	M Nkomo-Fumani
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TELEPHONE NUMBER	(011) 223 7000	TELEPHONE NUMBER	(011) 223 7000
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FACSIMILE NUMBER		FACSIMILE NUMBER	
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E-MAIL ADDRESS	<a href="mailto:cynthiak@sadpmr.co.za">cynthiak@sadpmr.co.za</a>	E-MAIL ADDRESS	<a href="mailto:masingitanf@sadpmr.co.za">masingitanf@sadpmr.co.za</a>
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**SUPPLIER INFORMATION**

NAME OF BIDDER	
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POSTAL ADDRESS	
----------------	--

STREET ADDRESS	
----------------	--

TELEPHONE NUMBER	CODE		NUMBER	
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CELLPHONE NUMBER	
------------------	--

FACSIMILE NUMBER	CODE		NUMBER	
------------------	------	--	--------	--

E-MAIL ADDRESS	
----------------	--

VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		<b>O R</b>	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
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE <b>GOODS /SERVICES /WORKS OFFERED?</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES, ANSWER THE QUESTIONNAIRE BELOW ]
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> YES <input type="checkbox"/> NO  <b>IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.</b>					

## PART B

### TERMS AND CONDITIONS FOR BIDDING

#### 1. BID SUBMISSION:

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

#### 2. TAX COMPLIANCE REQUIREMENTS

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

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

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

(Proof of authority must be submitted e.g. company resolution)

DATE: .....

# **TERMS OF REFERENCE FOR BOARD, BOARD COMMITTEES, CEO, COMPANY SECRETARY EVALUATION SERVICES OF THE SOUTH AFRICAN DIAMONDS AND PRECIOUS METALS REGULATOR**

## **1. INTRODUCTION**

The South African Diamond and Precious Metals is a Schedule 3A entity of government charged with the mandate of regulating the buying and selling of diamonds and precious metals. The Board of the SADPMR is appointed by the Minister of Mineral Resources and Energy in terms of section 6 of the Diamond Act, 1986 as amended.

## **2. PROJECT BACKGROUND**

According to the Protocol on Corporate Governance in the Public Sector, section 5.1.7.1, the Board as the Accounting Authority of the entity is expected to undergo an assessment conducted by the external service provider.

Principle 9 of the King IV Report on Corporate Governance, 2016, provides that the Board of Directors should ensure that the evaluation of its own performance and that of its chair and its individual members, support continued improvement in its performance and effectiveness. King IV further promotes that the board should schedule a formal process that is externally facilitated using methodology approved by the Board. The overview of the evaluation results and remedial actions should also be disclosed.

The envisaged evaluation will cover the Board members, Committee members, Board Chairperson, Chairs of the Committees, Chief Executive Officer, Company Secretary and the relationship of the Board with Senior Executive Management.

## **3. SCOPE OF WORK**

South African Diamond and Precious Metals Regulator therefore requires a service provider to provide Board members, Committee members, Board Chairperson, Chairs of the Committees, Chief Executive Officer and Company Secretary evaluation services. The service provider must meet the following specifications/ requirements:

- Facilitate and assist the SADPMR Board and Committees to conduct a self-evaluation that is questionnaire based and interviews for a 15-member Board, 1 CEO and 1 Company Secretary with 4 sub-committees;
- The evaluation must be completed against accepted good corporate governance principles and practices, as per King IV and other governance prescripts and focus on areas such as Board/Committee composition, culture, roles and responsibilities, role players and interaction with management, amongst others;

- Conduct the evaluation aiming to assess the current performance of the Board and Committees against accepted good corporate governance principles and practices;
- Facilitate the evaluation and provide reports that reflect the overall view of the members' opinion of the performance of the Board and Committees;
- The report must further be a comprehensive advisory report which provides clear guidelines on the focus areas listed above and provide suggested actions to address gaps, optimize the board and committees' functions and the reports must be prepared in a manner that ensures anonymity;
- Provide the Board of Directors with the necessary expertise, guidance and support to execute the evaluation; and
- Provide a presentation on the findings of the evaluation and any additional advisory support to the Board and be available for questions and answers.

#### **4. EVALUATION CRITERIA**

- Responses will be evaluated on two stages. The first stage being the functionality and the second stage being the price and preference.

##### **4.1 FUNCTIONALITY CRITERIA**

The following functionality criteria will be applicable. Bidders must score a minimum of 70 points to proceed to the next stage to be evaluated for price and preference.

##### **Service Provider Experience (40 Points)**

- The service provider must have at least ten (10) years' experience in the facilitation of board evaluations as well as be a proven leader in industry in relation to matters pertaining to Boards, Directors, Corporate Governance and related services. References of previous clients and/or track record must be submitted.

##### **Facilitator Experience (30 points)**

- Facilitator must have at least ten (10) years' experience in corporate governance, board evaluation facilitation and board advisory and with specific experience in working with/for public sector boards. Evidence provided by way of attaching a CV.
- Facilitator to be supported by suitable technical/professional team to assist and act as liaison and provide administrative assistance and be the point-of-contact. Attach CV/CVs of team who will assist in this regard.

##### **Qualification of Facilitator (20 Points)**

- The Facilitator must be registered with a reputable professional organization and hold a Masters qualification or higher.

- Copies of certified certificates must be attached.

#### Evaluation Proposal (10 Points)

- Provide a Proposal/ project plan with implementation steps/stages and identified timeframes/milestones for completion of the evaluation.

#### **4.2 Price and Preference**

Quotations will be evaluated in compliance with Preferential Procurement Regulations of 2022.

#### 5. Enquiries

In the event where a service provider has enquiries regarding the technical aspects of this project, please contact Ms Masingita Nkomo-Fumani at 011 223 7000 or [masingitanf@sadpmr.co.za](mailto:masingitanf@sadpmr.co.za)



**BIDDER'S DISCLOSURE****1. PURPOSE OF THE FORM**

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

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

**2. Bidder's declaration**

- 2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise,

employed by the state?

**YES/NO**

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

Full Name	Identity Number	Name of State institution

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


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

2.2.1 If so, furnish particulars:

.....  
 .....

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

2.3.1 If so, furnish particulars:

.....  
 .....

### 3 DECLARATION

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.

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<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and

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

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

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

.....	.....
Signature	Date
.....	.....
Position	Name of bidder

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knowledge in an activity for the execution of a contract.

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

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

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

### 1. GENERAL CONDITIONS

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

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

1.2 **To be completed by the organ of state**

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

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

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

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean

that preference points for specific goals are not claimed.

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

## 2. DEFINITIONS

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

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{P_s = 80 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right)} & \mathbf{or} & \mathbf{P_s = 90 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right)} \end{array}$$

Where

P<sub>s</sub> = Points scored for price of tender under consideration

P<sub>t</sub> = Price of tender under consideration

P<sub>min</sub> = Price of lowest acceptable tender

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

### 3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

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

## 4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Enterprise owned by Black people		5		
Enterprise owned by Black women		5		
Enterprise owned by youth		5		
Small, medium and Micro Enterprise		5		

#### DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender,

qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

- (a) disqualify the person from the tendering process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution, if deemed necessary.

.....  
**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....

.....

.....

.....



