



REQUEST FOR QUOTATION (RFQ)

DESCRIPTION PERFORMANCE EVALUATION OF BOARD MEMBERS RFQ NO: LTAQ002-25/26

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 into the quotation box not later than **02 JULY 2025 @ 12H00 AT THE LTA'S QUOTATION BOX, AT ERF 92/688, PORTION 2, N1 MAIN ROAD, SOUTHERN GATEWAY EXT 4, POLOKWANE.**

**EMAILED SUBMISSIONS WILL NOT BE ACCEPTED.
NO PAYMENT IS REQUIRED FOR THIS BID. BEWARE OF SCAMS.**

The following conditions will apply:

- 1) Price offer to be valid for 80 days from the closing date of the bid.
- 2) Price(s) quoted must be firm and inclusive of VAT.
- 3) The bid will be evaluated in terms of the administrative compliance, functionality and the 80/20 preference point system as prescribed in the Preferential Procurement Regulations (2022) and for this purpose the enclosed forms SBD 3.1, SBD 4, & SBD 6.1, must be scrutinized, completed and submitted together with your bid.
- 4) The successful bidder will be the one scoring the highest points in terms of the Preferential Procurement Regulations (2022).

ISSUED BY: THE CHIEF EXECUTIVE OFFICER LIMPOPO TOURISM AGENCY P.O. BOX 2814 POLOKWANE 0700 Tel: (015) 293 3600 Fax: (015) 293 3651	CONTACT PERSON (SPECIFICATION) MR. NKHENSANI MABUNDA Contact No.: 082 452 4994 E-mail: nkhensanim@golimpopo.com	CONTACT PERSON (BIDDING PROCESS) MS. SEWELA NYAKA Contact No.: 066 039 0295 E-mail: sewelan@golimpopo.com
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Name of Bidder: _____

BID AMOUNT: R _____



TERMS OF REFERENCE

PERFORMANCE EVALUATION OF BOARD MEMBERS

1. INTRODUCTION

Limpopo Tourism Agency is a schedule 3C PFMA entity established in terms of Section 5 of the Limpopo Tourism Act No.2 of 2009, as repealed, to amongst others promote and offer a sustainable and diverse tourism experience through strategic marketing (destination marketing) and support and facilitate tourism development programmes, collaborations with stakeholders and sector transformation. To further market and promote the Limpopo Province as a destination.

According to section 51 of the PFMA, an accounting authority for a public entity must ensure that the public entity has and maintains a system of internal audit under the control and direction of an Audit Committee complying with and operating in accordance with the regulations and instructions prescribed in terms of section 76 and 77 of the Act (PFMA).

Section 66(1) of the Companies Act No.71 of 2008 provides as follows: *“the business and affairs of a company must be managed by or under the direction of its Board, which has the authority to exercise all of the powers and perform any of the functions of the company, except to the extent that this Act or the company’s Memorandum of Incorporation provides otherwise”*.

2. BACKGROUND

King iv Report in principle 9 provides thus *“The governing body should ensure the evaluation of its own performance and that of its committees, its chair and its individual members and to support continued improvement in its performance and effectiveness”*.

The King iv report further recommends that the Board conducts a formal performance evaluation every two years, and during the alternate year, the Board should schedule in its annual work plan an opportunity to consider, reflect and discuss its performance. The reason for the gap between formal evaluations is to allow the Board sufficient time to address the findings of the previous evaluation.

3. OBJECTIVE

The objective of the Board Performance evaluation is to examine the roles and responsibilities of the Board, the effectiveness of its committees and should go beyond a mere compliance process when conducting a Board Evaluation and should rather undertake a substantive and rigorous review of its performance and efficacy to really identify the core areas that require improvement and whether the Board has a healthy board dynamic.

The Board Performance Evaluation should examine the roles and responsibilities of the Board, the effectiveness of its committees, its relationship with key governance players and overall, assess the key areas which impact its effectiveness.

4. SCOPE OF WORK

The following should be assessed: -

- The Board as a whole (six independent non Executive Directors / members Board members,
- three risk and audit committee members; and
- two non-voting (Chief Executive Officer and Chief Financial Officer)
- The Board assesses its overall performance and identifies its developmental areas.

Committees

- The Committee evaluation allow governing body to evaluate the committee's contribution and effectiveness in fulfilling its mandate as constituted as follows:
 -
 - ❖ Risk and Audit Committee with four (4) members.
 - ❖ Human Resources & Remunerations Committee with four (4) members.
 - ❖ Destination Marketing Committee with five (5) members.
 - ❖ Contracts Committee with four (4) members (an ad hoc committee).

Individual Board members

- Individual board evaluations provide insights into the competency and engagement levels of each member of the Board.
- These also include specific evaluations of the Chairperson and Company Secretary.

The area to be covered should in the main include review at high level, the governance aspects of the Board; -

- High level Board evaluation questionnaire - Board assessment.
- Board Committee Evaluation Questionnaire to assess the performance of the Board Committees.
- Individual Board Peer and Self-Review questionnaire.

Deliverables

- ❖ To provide for the Summary of findings arising from Board Governance evaluation and recommendations.
- ❖ The results of the Skills assessment.
- ❖ Results from the Board Evaluation Questionnaire, Board Committee Evaluations and individual Board members peer and self-assessment.

Special Conditions

1. This is a once-off appointment.
2. The assessment should be completed within a period of 30 working days from date of appointment.
3. Limpopo Tourism Agency reserves the right not to appoint.
4. Limpopo Tourism Agency may negotiate prices with recommendable bidders.



SBD 3.1

**PRICING SCHEDULE – FIRM PRICES
(PURCHASES)**

<p>PRICING SCHEDULE</p> <p>ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED</p> <p>IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT</p>

I/We _____

(Full name of bidder) the undersigned in my capacity as _____

Of the firm _____

CSD NO. _____

Hereby offer to Limpopo Tourism Agency to render the services as described, in accordance with the specifications and conditions of contract to the entire satisfaction of the Limpopo Tourism Agency and subject to the conditions of tender, for the amounts indicated hereunder

	Description	Number of Members	Price per member (VAT Incl.)	Total Price (VAT Incl.)
1	Administrating and scheduling the assessments	12		
2	Results and Presentation of Board Evaluation & peer reviews	12		
3	Close-out Report with recommendations	12		
	Total (Incl. VAT)			

Company Name: _____

Contact Number: _____

Signature of Bidder: _____ **Date:** _____



EVALUATION CRITERIA

CRITERIA - MANDATORY REQUIREMENTS

1. MINIMUM REQUIREMENTS

Bidders must comply with all the minimum requirements as listed below. Failure to comply with or submit any of the supporting documentation listed below will result in your bid being disqualified.

ITEM DESCRIPTION		Please indicate with an "X" to offer complies with the requirements		
		YES	NO	Comment
a)	Must be registered on Central Supplier Database (CSD)			
b)	Bidder must complete and sign the bid forms in full.			
c)	Key personnel to provide proof of Registration with either IODSA, IIA or SAICA			

2. EVALUATION METHODOLOGY

In accordance with the Preferential Procurement Regulations, 2022, the bid evaluation process shall be carried out in three Phases namely:

- Phase 1: Administrative Compliance
- Phase 2: Evaluation on Functionality.
- Phase 3: Evaluation in terms of Price and Preference Point Systems in accordance with the Preferential Procurement Regulations 2022.

PHASE 1: ADMINISTRATIVE COMPLIANCE (Submission of compulsory documents.

The first phase of evaluation is checking and verification of all mandatory documents to be submitted by the bidders and compliance to specification.

If any of the following Bid Forms are not completed and signed or handed in with your proposal on closing date and time, your proposal will be immediately disqualified.

- **SBD 3.1** (Pricing Schedule) Make sure it is completed.

- **SBD 4** (Bidder's Disclosure) Make sure it is signed. **(Failure to disclose any other companies involved in (SECTION 2.3.1) will result in disqualification). Bidders may attach a list of companies involved in if the space is too small.**
- **SBD 6.1** (Preference claim form) Make sure it is completed and signed. (Bidders will not be disqualified if it is not completed but will not claim preference points.)
- Bidders that do not comply with the bid requirements may be regarded as non-responsive and may be disqualified.

PLEASE NOTE:

- a) the bidder or any of its directors/shareholders is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector.
- b) the bidder has not:
 - i) abused the Supply Chain Management System; or
 - ii) failed to perform on any previous contract and has been given a written notice to this effect.
- c) All corrections and scratching are initialled.
- d) Completion of the bid document using pencil not allowed, **BID DOCUMENT TO BE COMPLETED IN BLACK INK.**
- e) Scratching is done by putting a straight line through the corrected items.
- f) **THE USE OF CORRECTION FLUID WILL AUTOMATICALLY INVALIDATE YOUR BID.**
- g) Alterations to the bid document or **submission of a copy of the original bid document will invalidate the bid.**

2. PHASE 2: EVALUATION IN TERMS OF FUNCTIONALITY

The assessment on functionality will be done in terms of the evaluation criteria and minimum threshold as specified. The minimum qualifying score for functionality is **65%** as set out below. Bidders who fail to achieve the minimum qualifying score on functionality will be disqualified for further evaluation of price and specific goals.

Functionality assessment should be allocated as follows:

FUNCTIONALITY CRITERIA			
COMPONENTS			Points Awarded
A	COMPANY'S EXPERIENCE (Detailed company's profile must be submitted)		30
	Bidder's proven competency in rendering the similar service, extensive knowledge of Board performance evaluation .		
	<ul style="list-style-type: none"> 8+ years 	15	
	<ul style="list-style-type: none"> 6-7 years 	10	
	<ul style="list-style-type: none"> 4-5 years 	08	
	<ul style="list-style-type: none"> 3-4 years 	06	
	<ul style="list-style-type: none"> 0-2 years 	04	
	REFERENCES		
	Signed reference letters on valid letterheads that prove experience in the Board performance evaluation . LTA reserves the right to verify the reference letters.		
	<ul style="list-style-type: none"> More than three client's reference letters. 	15	
	<ul style="list-style-type: none"> Three client's reference letters. 	10	
	<ul style="list-style-type: none"> Less than three client's reference letters. 	05	
B	PREVIOUS PROJECTS EXECUTED (Board performance evaluation)		20
	<ul style="list-style-type: none"> R500 000 Or more 	20	
	<ul style="list-style-type: none"> Less than R500 000 	15	
	<ul style="list-style-type: none"> Below R100 000 	10	
	<ul style="list-style-type: none"> Below R50 000 	05	
	<ul style="list-style-type: none"> Below R10 000 	04	
	Attach evidence/ letter/ order of appointment		
D	SKILLS AND QUALIFICATIONS		40
	(Attach Company profile with list of CV's and copies of qualifications of key personnel that will be assigned to the project.)		
	<ul style="list-style-type: none"> Proof of registration with either IODSA, IIA or SAICA. 	20	
	<ul style="list-style-type: none"> No proof of registration 	0	

	<p>A partner assigned to the project team should at least have a minimum of five years' experience in Board performance evaluation</p> <ul style="list-style-type: none"> • More than five (5) years' experience • Minimum five years' experience • Less than five (5) years' experience 	20 15 0	
E	LOCALITY WITHIN THE LIMPOPO PROVINCE		10
	<ul style="list-style-type: none"> • Company located in Limpopo Province • Company based outside Limpopo Province <p>Attach proof of residence (Municipal bill, Lease agreement, PTO, Letter from Traditional Authority).</p>	10 05	

The minimum qualifying score for functionality is **65%**. Bidders who fail to obtain the minimum qualifying score of **65%** will be disqualified.

PHASE 3: EVALUATION IN TERMS OF PRICE AND PREFERENCE POINT SYSTEMS

Only bids that achieve the minimum qualifying score/percentage for functionality will be evaluated further in accordance with the 80/20 preference point system prescribe in Preferential Procurement Regulations, 2022.

The PPPFA prescribes that the lowest acceptable bid will score 80 points for price. Bidders that quoted higher prices will score lower points for price on a pro-rata basis.

When calculating prices:

- Unconditional discounts will be taken into account for evaluation purposes; and
- Conditional discounts will not be taken into account for evaluation purposes but would be implemented when payment is affected.

The formulae to be utilized in calculating points scored for price is as follows:

80/20 preference point system formula will be used to calculate the points for price of quotations/tenders with the rand value equal to or below R50 million

$$Ps = 80 - 1 \left[\frac{Pt - Pmin}{Pmin} \right]$$

Where:

Ps = Points scored for price of bid under consideration

Pt = Rand value of tender consideration

Pmin = Rand value of lowest acceptable tender

A maximum of **20 points** will be awarded in accordance with the table below, for quotations from R0 to R50 000 000:

NO	DESIGNATED GROUP	SPECIFIC GOALS (20 POINTS)
1	Black People	4
2	Youth	4
3	Women	4
4	Persons with Disability	4
5	Military Veterans	4

- a. The points scored by a tenderer in respect of the specific goals above must be added to the points scored for price.
- b. A specific goal will be allocated according to the percentage of ownership in the company (e.g., if black people own 50% of the company, the points for the specific goal will be **2**, i.e. $50/100 \times 4 = 2$).
- c. Only the tender with the highest number of points scored may be selected.
- d. CSD report will be used as a means of verification of the specific goals.
- e. **A valid medical certificate is required to claim points for persons with disability.**
- f. Confirmation of registration on the National Military Veterans Database of the Department of Military Veterans is required in order to claim points for military veterans.
- g. Limpopo Tourism Agency reserves the right not to award the bid.



BIDDER'S DISCLOSURE

SBD 4 FORM

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

- 2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise,

employed by the state?

YES/NO

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

Full Name	Identity Number	Name of State institution

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

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 consortium² will not be construed as collusive bidding.

3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications,

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

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

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

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

.....

Signature

.....

Date

.....

Position

.....

Name of bidder



SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

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

1.2 To be completed by the organ of state

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

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

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

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

preference points for specific goals are not claimed.

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

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

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

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

3.2.1. POINTS AWARDED FOR PRICE

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

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

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)
Black People		4		
Youth		4		
Women		4		
Persons with Disability		4		
Military Veterans		4		

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:

.....

.....