

OUR REF      RFQ 20702  
ENQUIRIES    Luvuyo Tshabalala  
TELEPHONE    012 428 6225  
DATE          18 November 2022

## **RFQ 20702: Provision for Core Switch Replacement and Firewall.**

### **Dear Bidder**

The South African Bureau of Standards (SABS) hereby invites you to submit a quotation for the provision of core switch and firewall replacement.

The details of the service to be provided is in the attached Request for Quote, **RFQ 20702**.

Please note the following:

- Scope of services specified on page 3-6
- Closing date specified on page 3
- SABS Procurement terms and conditions (accessed on the sabs website)
- **Bidder must submit the following documents with the quotation:**
  - Treasury Central Supplier Database (CSD) registration report
  - A valid certified copy of BBBEE certificate/Sworn Affidavit
  - SBD 4 Bidder's Disclosure
  - SBD 6.1 Preference points claim form in terms of the Preferential procurement Regulation 2017
  - Appendix A – Non-Disclosure Agreement

**SOUTH AFRICAN BUREAU OF STANDARDS** – Established in terms of Section 2 of the Standards Act, 1945, as amended

#### **Gauteng Head Office**

1 Dr Lategan Road, Groenkloof  
Private Bag X191  
Pretoria, 0001  
**Tel** +27 (0) 12 428 7911  
**Fax** +27 (0) 12 344 1568

#### **West Coast Region**

Liesbeek Park Way, Rosebank  
PO Box 615, Rondebosch,  
Cape Town, 7701  
**Tel** +27 (0) 21 681 6700  
**Fax** +27 (0) 21 681 6701

#### **East Coast Region**

15 Garth Road,  
Waterfall Park  
PO Box 30087,  
Mayville, 4058  
**Tel** +27 (0) 31 203 2900  
**Fax** +27 (0) 31 203 2907

### **1. Background**

The SABS is a statutory body established in term of Standards Act, 1945 (Act No. 24 of 1945) and continues to operate in terms of the Standards Act, 2008 (Act No. 8 of 2008) as the national standardization institution in South Africa, mandated to:

- develop, promote and maintain South African National Standards;
- promote quality in connection with commodities; and
- render conformity assessment services and matters connected therewith.

### **2. Request for Quotation (RFQ)**

This RFQ serves as an invitation to submit a quotation for core switch and firewall replacement, subject to the SABS Standard Terms and Conditions, of which a copy is available on [www.sabs.co.za](http://www.sabs.co.za), accessible through the link: [https://www.sabs.co.za/Procurement/proc\\_toc.asp](https://www.sabs.co.za/Procurement/proc_toc.asp)

The Bidder is requested to supply its quotation, in writing, by the date specified. Should the Bidder require any clarification, the clarification should be submitted by e-mail to the Procurement Specialist identified in this document.

By submitting a quotation in response to this RFQ or participating in this RFQ process, the Bidder accepts that it is subject to and bound by all the terms and conditions contained in this RFQ document.

### **3. Confidentiality**

This document may not be used for any purpose by the Bidder other than for developing their response to it, and all reasonable efforts must be taken by the Bidder to ensure confidentiality of any information provided. This document and any other information of a confidential nature provided to the Bidder during RFQ process are and will be covered by the non-disclosure agreement to be signed between the SABS and the Bidder.

### **4. No Contract**

Bidders shall note that this RFQ does not commit the SABS to any course of action resulting from the receipt of quotations and the SABS may, at its discretion reject any submission which does not conform to instructions and specifications which are contained herein or select a Bidder based upon its own unique set of criteria. The SABS also reserves the right not to select a bidder.

Nothing in this document shall be construed as a contract between the SABS and the Bidder, and no communication, whether verbal or written, by the SABS personnel or agents during the course of this process shall create such a contract in respect of the requirements specified in this RFQ.

### **5. No Obligation to Proceed**

The SABS reserves the right to discontinue the RFQ evaluation process at any time and will not be responsible for any losses incurred by the Bidder as a result of discontinuance of the RFQ process

## 6. Validity of Proposals

The Bidder's quotation shall remain valid for a period of one hundred and twenty (120) days from the closing date. The SABS may at any time prior to the expiry of the bid validity period, extend the above validity period by sixty (60) days by written notice to the Bidders. In that event, the SABS will not require any consent from the Bidders, and bidders will not be required or permitted to amend any of their quotations.

The SABS retains the right, but is under no obligation, to request Bidders to extend the validity periods of their quotations, prior to expiry thereof, if it has already invoked the extension referred to above and it is in the SABS' interest to further extend the bid validity period. Such request shall be in writing. The Bidder is not obliged to extend the validity period. Also, bidders will not be required or permitted to amend any of their quotations.

## 7. Scope of Work

The SABS is seeking for a service provider to supply, install and configure the following:

- Core switches in the server room in Groenkloof. These switches must be configured in high availability.
- Six (6) core firewalls.
- The core network switched proposed must be compatible with the SABS FortiGate Access Layer Switches.

### Technical Requirement – Core Network Switches & Firewalls

No	Item Description	Quantity
1.1	Core firewall that is compatible with core network switches and can host the rules for: <ul style="list-style-type: none"><li>• Creating a zero-trust environment</li><li>• Managing DMZ environment</li><li>• Advanced 24x7 Support and warranty replacement for the devices</li></ul>	2
2.1	Firewall for DR environment that is compatible with core network switches (specification smaller than 1.1 above) and can host the rules for: <ul style="list-style-type: none"><li>• Creating a zero-trust environment</li><li>• Advanced 24X7 support and warranty replacement for the devices</li></ul>	1
3.1	Firewall analyzer and reporting device with below capabilities: <ul style="list-style-type: none"><li>• Advanced threat detection capabilities</li><li>• Centralized security analytics</li><li>• End-to-end security posture awareness</li><li>• Integration with firewall and web firewall for advanced reporting</li><li>• Incident detection and response</li><li>• Playbook automation</li><li>• Event management</li><li>• Security services</li><li>• Analytics and reporting</li></ul> Advanced 24X7 support and warranty replacement for the devices	1

4.1	Web firewalls for hosting website securely Advance 24X7 Support and warranty replacement for the devices	2
5.1	WIFI Access Devices, Indoor Wireless AP's that is compatible with the recommended core firewall and switches <ul style="list-style-type: none"> <li>• Tri radio (802.11 b/g/n/ax 2x2 MU-MIMO,</li> <li>• 802.11 a/n/ac/ax 2x2 MU-MIMO and 1x 802.11 a/b/g/n/ac Wave 2, 1x1)</li> <li>• internal antennas</li> <li>• 2x 10/100/1000 RJ45 port</li> <li>• BT/BLE</li> <li>• 1x Type A USB</li> <li>• 1x RS-232 RJ45 Serial Port. Ceiling/wall mount kit included.</li> <li>• For power order: 802.3 at PoE injector GPI-130 or AC adapter SP-FAP250-PA-10. Region Code E</li> </ul> Basic 8X5 Support and warranty replacement for the devices	100
6.1	Distribution Core Layer 2/3 core network switch with on-premises controller compatible switch with: <ul style="list-style-type: none"> <li>• 48 x GE/10GE SFP/SFP+ slots and</li> <li>• 6 x 40GE QSFP+ or 4 x 100GE QSFP28</li> <li>• Dual AC power supplies</li> </ul> Advance 24X7 Support and warranty replacement for the devices for the above	4
8.1	Distribution Core <ul style="list-style-type: none"> <li>• Layer 2/3 core switch on premises controller compatible switch with</li> <li>• 24 x 10GBase-T slots and</li> <li>• 2 x 100GE QSFP28.</li> <li>• Dual AC power supplies</li> </ul> Advance 24X7 Support and warranty replacement for the devices for the above	2
9.1	Distribution Core Layer 2/3 core switch on-premises controller compatible switch with <ul style="list-style-type: none"> <li>• 24 x GE RJ45 ports,</li> <li>• 4 x 10 GE SFP+</li> <li>• 2 x 40 GE QSFP+</li> </ul> Advance 24 x 7 Support and warranty replacement for the devices for the above	2
10.1	40GE QSFP+ Passive Direct Attach Cable, 5 m for Systems with QSFP+ slots	16
11.1	10GE SFP+ Passive Direct Attach Cable, 5 m for Systems with SFP+ and SFP/SFP+ slots	10
12.1	10GE SFP+ transceivers module, long range	80
13.1	10GE SFP+ transceivers module, short range	80

--	--	--

## 8. Mandatory Requirements

- A bidder must supply the relevant reseller/ partner accreditation documentation.
- Professional Services including the following:
  - Detailed High-level Implementation plan
  - Design Document containing configs and implementation layout
  - Implementation (installation) and configuration of the of the core switches and firewalls, including transferring of existing configuration to the new core switches and firewalls
  - Provide licenses for firewalls and replacement warranty for all equipment for three (3) years
  - Handover and sign-off for implementation (installation)
  - All devices quoted for must have an end of life and support for seven (7) years plus
  - Maintenance and support for three (3) years will commence after the implementation (Installation, hand over and sign-off)

**\*\*Bidders are welcome to recommend their own OEM that meets SABS requirements**

## 9. Functionality Evaluation

Bids will be evaluated in terms of Functionality based on the following criteria:

Bidder must clearly respond to each of the below, this will be strictly reviewed and scored according to the overall feedback provided in the proposal , **Bidders will be evaluated on a scale of 1 = poor; 2 = Average; 3 = Good; 4 = Very Good; 5 = Excellent**

Values: 1 = poor; 2 = Average; 3 = Good; 4 = Very Good; 5 = Excellent														
No	Criteria	Weight												
1	The bidder must submit the proof of OEM resellers/partners letter as per the requirement: Yes = 5; No = 0	30%												
2	<div>The bidder must submit detailed CV the core technical team who has implemented, installed, and configure core switches and firewalls in the server room. Relevant qualifications and accreditation in both (core network switches &amp; firewalls) areas.</div> <table><tr><th>Number of CV's</th><th>Points</th></tr><tr><td>One CV</td><td>1</td></tr><tr><td>Two CV's</td><td>2</td></tr><tr><td>Three CV's</td><td>3</td></tr><tr><td>Four CV's</td><td>4</td></tr><tr><td>Five CV's</td><td>5</td></tr></table>	Number of CV's	Points	One CV	1	Two CV's	2	Three CV's	3	Four CV's	4	Five CV's	5	30%
Number of CV's	Points													
One CV	1													
Two CV's	2													
Three CV's	3													
Four CV's	4													
Five CV's	5													

3	The bidders to provide minimum of three reference letters (not older than twelve months) from clients where installation and configuration of core switches / fire walls in the server room were implemented.		40%
	Number of Reference Letters	Points	
	One Reference Letters	1	
	Two Reference Letters	2	
	Three Reference Letters	3	
	Four Reference Letters	4	
	Five Reference Letters	5	
TOTAL			100%

## 10. Timelines

MILESTONES	DATE AND E-MAIL ADDRESS
Submission of any Questions	Not Applicable
Closing Date and Time <b>No late submissions will be accepted.</b>	<b>29 November 2022 at 11:00 am</b>
Method of submission.	<p>Responses should be submitted via email  <a href="mailto:Luvuyo.Tshabalala@sabs.co.za">Luvuyo.Tshabalala@sabs.co.za</a> and  <a href="mailto:procurement.request@sabs.co.za">procurement.request@sabs.co.za</a></p> <p><b>Maximum size 14 MB, Proposals/ Bids must be submitted on PDF Files (compressed zipped folder if necessary), Proposals/Bids submitted via a link and/or “we transfer” will not be accepted</b></p> <p><b><i>It is the Bidder’s responsibility to ensure that the quotation is received on time by SABS.</i></b></p> <p><b>It is the Bidder’s responsibility to ensure that the quotation is received on time by SABS.</b></p>

## 11. Preference Points System

Only Bidders who submitted quotations as per scope of work and mandatory requirements will be evaluated further on 80/20 preference points system of 2017. (Pricing and BBEE)

## 12. Quotation

The quotation should include but not limited to the following:

- Delivery to **SABS**
- Transportation cost
- Fixed price, where foreign currencies are involved, bidders should make provision for forward cover.

**13. Contact information**

All enquiries regarding this RFQ must be e-mailed/directed to [Luvuyo.Tshabalala@sabs.co.za](mailto:Luvuyo.Tshabalala@sabs.co.za) and **012 428 6225**. Bidders must not contact any other SABS' personnel regarding this RFQ, as it may lead to the Bidder's disqualification. Also note that any canvassing by Bidders/Suppliers regarding this RFQ will result in disqualification.

**14. Advance payment**

The SABS will not make an upfront or advance payment to a successful Bidder. Payment will only be made in accordance to the delivery of service or goods that will be agreed upon by the SABS and the successful Bidder.

**15. Responsibility for costs**

Under no circumstances shall the SABS be responsible for any of the Bidder's costs associated with the preparation and/or submission of its quotation, including any costs incurred by the Bidder prior to the signature, by both parties, of an agreement resulting from a successful bid.

**16. Bidder's contractual terms**

The SABS will not be bound by any legal or contractual terms as may be included in the Bidder's quotation, in response to this RFQ.

## 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

- 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:

.....  
 .....

---

<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.

- 2.3 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.
- 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.

---

<sup>2</sup> 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.

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

2.

**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 **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the 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	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
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**

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

### 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:

**6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

- 6.1 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.

**7. SUB-CONTRACTING**

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

*(Tick applicable box)*

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

- 7.1.1 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		NO	
-----	--	----	--

- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

<b>Designated Group: An EME or QSE which is at last 51% owned by:</b>	<b>EME ✓</b>	<b>QSE ✓</b>
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		
<b>OR</b>		
Any EME		
Any QSE		

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name of company/firm.....

8.2 VAT registration number.....

8.3 Company registration number.....

**8.4 TYPE OF COMPANY/ FIRM**

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

[TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

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

**8.6 COMPANY CLASSIFICATION**

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

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

8.8 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.

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>	<p style="text-align: center;">..... SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p> <p>.....</p>
--	---

## APPENDIX A - NON-DISCLOSURE AGREEMENT

THIS AGREEMENT is made BETWEEN

The South African Bureau of Standards (SABS), a Public Entity that continues to exist in terms of section 3 of the Standards Act 2008, whose principle place of business is at 1 Dr Lategan Road, Groenkloof, Pretoria, 0001, South Africa.

AND \_\_\_\_\_ ("the Supplier") whose registered office is at

---

(Hereinafter referred to as the "parties")

WHEREAS in the course of discussions and/or negotiations with the South African Bureau of Standards, the Supplier has received or may receive in future information relating to this **RFQ 20702** for the South African Bureau of Standards and other related information hereinafter referred to as "Confidential Information".

In consideration of the Supplier to-which the South African Bureau of Standards or any person affiliated with it, including its subsidiary, agent, representative(s) or such related entity may provide Confidential Information in connection with such discussions and/or negotiations to. Therefore, the parties wish to agree as follows:

1. The Supplier will maintain strictly secret and confidential all information relayed or transmitted to it in any manner or form and will not divulge any part of the Confidential Information directly or indirectly to any person, firm or entity (other than such of its employees who have a need to know the Confidential Information for the purposes of fulfilling the Supplier's obligation to the South African Bureau of Standards.
2. The Supplier shall not make copies of the Confidential Information or otherwise disseminate any of the Confidential Information (except as may be required to fulfil specific obligations towards South African Bureau of Standards) without South African Bureau of Standards express prior written consent.
3. This agreement applies to information whether or not such information is marked as or appears to be confidential and whether or not such information is of commercial use to South African Bureau of Standards or any other party.
4. This agreement shall not apply to information which: -
  - (a) the Supplier can show had been lawfully received by it prior to disclosure under this agreement.
  - (b) is in the public domain or becomes so otherwise than through breach of this agreement;

- (c) was disclosed to the Supplier by a third party who was under no obligation of confidence in respect thereof;
5. The South African Bureau of Standards retains ownership of Intellectual property rights on all material and processes relating to the service provided for and on its behalf by the supplier.
6. The Supplier shall observe its obligations under this agreement until expiry of a period of 12 months from the date of signature.

IN WITNESS WHERE OF the parties hereto have executed this agreement in duplicate.

**For the Bidder**

Signed at..... on this.....day of .....2022

Signed on behalf of the Supplier, duly authorised thereto..... (signature)

..... (name) ..... (title)

Witness 1. ....

Witness 2. ....

**For the SABS**

Signed at..... on this.....day of .....2022

On behalf of the SABS, duly authorised thereto..... (signature)

..... (name) ..... (title)

Witness 1. ....

Witness 2. ....