

**KWAZULU-NATAL PROVINCE**COOPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS
REPUBLIC OF SOUTH AFRICA**DQP 118/2023 LG: REQA62055****PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	DQP 118/2023 LG: REQA62055	CLOSING DATE:	24 NOVEMBER 2023	CLOSING TIME:	11:00 AM
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO DEVELOP A DISASTER MANAGEMENT PLAN FOR KZN COGTA				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
13 th Floor, Lift Area, North Tower, Natalia Building, 330 Langalibalele Street, Pietermaritzburg					
eMail: Sandisiwe.ndlovu@kzncogta.gov.za OR zodwa.mpungose@kzncogta.gov.za					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Ms Lindiwe Madlala		CONTACT PERSON	Thabisile Ntuli	
TELEPHONE NUMBER	033 260 8194		TELEPHONE NUMBER	078 193 5251	
E-MAIL ADDRESS	Lindiwe.madlala@kzncogta.gov.za		E-MAIL ADDRESS	thabisile.ntuli@kzncogta.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					
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]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					



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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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PRICING SCHEDULE – FIRM PRICES (SERVICES)

N.B.: This form must be completed in detail, signed by the Bidder and bear the signature of a witness. Failure to comply with these requirements may result in the bid being disregarded.

CLOSING DATE AND TIME: 24 NOVEMBER 2023 @ 11:00 am VALIDITY PERIOD: 120 DAYS

QUOTE NO: DQP 118/2023 LG: A62055		PERIOD : 120 DAYS	
Description: APPOINTMENT OF A SERVICE PROVIDER TO DEVELOP A DISASTER MANAGEMENT PLAN FOR KZN COGTA CONTACT: Thabisile Ntuli on 078 193 5251 or EMAIL: thabisile.ntuli@kzncogta.gov.za		NAME AND ADDRESS OF BIDDER(FIRM) TEL:..... FAX:.....	
DOES OFFER COMPLY WITH THE SPECIFICATION? <i>If not, furnish details of deviation in space provided for "Remarks"</i>		YES / NO <i>(Delete which is not applicable)</i>	
TOTAL BID PRICE (Inclusive of VAT)		R	
BID PRICE IN WORDS			
REMARKS (If any):	 (Signature of Bidder) DATE: (Signature of Witness) DATE:.....	

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

****all applicable taxes** includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.**

ANNEXURE A

SPECIFICATION

DESCRIPTION	QTY	UNIT PRICE	TOTAL PRICE
APPOINTMENT OF A SERVICE PROVIDER TO DEVELOP A DISASTER MANAGEMENT PLAN FOR KZN COGTA CONTACT: Thabisile Ntuli on 078 193 5251 or EMAIL: thabisile.ntuli@kzncogta.gov.za			
SUB TOTAL			
VAT if applicable			
TOTAL TO BE CARRIED TO SECTION G			

NB.: Expected delivery date from receipt of order is 5 days.

Yes / No

COMPANY STAMP



DIRECTORATE:

Private Bag X9078, PIETERMARITZBURG, 3200
Mkhondeni, 66 Shorts Retreat, Pietermaritzburg
Tel: 033) 8469000 Fax: 033 00 0000

Disaster Management

TERMS OF REFERENCE (TOR) FOR THE PROCUREMENT OF A PROFESSIONAL SERVICE PROVIDER TO FACILITATE AND COORDINATE THE DEVELOPMENT OF A DISASTER MANAGEMENT PLAN FOR THE KWAZULU-NATAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS (COGTA)

1. Purpose of assignment

To facilitate and coordinate the development of a Disaster Management Plan for the Department of Cooperative Governance and Traditional Affairs (COGTA) to meet the legislative requirements. With this plan, the Department aims to achieve the following objectives:

- 1.1. To ensure that the concept and principles of disaster management are applied within the department's functional area, including expected climate change impacts and risks for the department;
- 1.2. To identify, analyse and prioritise the roles and responsibilities of the department in line with the national and provincial disaster management framework;
- 1.3. To outline the department's roles and responsibilities in terms of emergency response and post-disaster recovery and rehabilitation;
- 1.4. To identify and analyse the roles and responsibilities of various programmes, business units and directorates within the Department, including both internal and external, throughout the disaster management cycle;
- 1.5. To analyse and strengthen the capacity to fulfil the department's roles and responsibilities;
- 1.6. To ensure the optimization of the Department's disaster preparedness for effective response;
- 1.7. To develop disaster management strategies relative to the department's mandate;
- 1.8. To develop and implement contingency strategies and emergency procedures in the event of a disaster, including measures to finance these strategies;



- 1.9. To identify and establish effective information management and communication systems to enable the collection, processing and smooth flow of information to decision-makers and the affected communities;
- 1.10. To promote the facilitation of mainstreaming of disaster management into the developmental planning and processes; and
- 1.11. To establish proper disaster activation and mobilisation as well as incident protocols to be followed when a disaster has occurred.

2. Background

- 2.1. The Constitution of the Republic of South Africa, 1996, Chapter 3 S40(1) and S41 (b) states that all spheres of government and all organs of the state within each sphere must secure the well-being of the people of the Republic. Furthermore, Schedule 4A of the Constitution lists disaster management as a functional area of concurrent national and provincial legislative competence.
- 2.2. Disaster Management is defined by the Disaster Management Act, 2002 (Act No. 57 of 2002) (henceforth called the Act), as “a continuous and integrated multi-sectoral, multi-disciplinary process of planning and implementation of measures aimed at-
 - (a) preventing or reducing the risk of disasters;
 - (b) mitigating the severity or consequences of disasters;
 - (c) emergency preparedness;
 - (d) rapid and effective response to disasters; and
 - (e) post-disaster recovery and rehabilitation.
- 2.3. The Disaster Management Act, 2002 (Act No. 57 of 2002) (henceforth called the Act), Section 30 outlines the powers and duties of a provincial disaster management centre which include (b) promoting an integrated and coordinated approach to disaster management in the province, with special emphasis on prevention and mitigation by- (i) provincial organs of state in the province; and (ii) other role-players involved in disaster management in the province. Furthermore, Sections 38 and 39 places explicit responsibility on the province to prepare disaster management plans (DM Plans) setting out the following (amongst others)- its roles and responsibilities in line with the disaster management framework; disaster management strategies; contingency strategies and



emergency procedures; mainstreaming of the DM Plan with those of their organs of states; and the DM Plan must be regularly reviewed and updated.

- 2.4. It is worth noting that the successful implementation of the Act depends on the preparation and alignment of disaster management frameworks and disaster management plans by all spheres of government (sections 25, 38, 39, 52, and 53 of the Act). In particular, Section 38 of the Disaster Management Act, Act No. 57 of 2002 requires that: “Each provincial organ of state indicated in the national or provincial disaster management framework (Section 3.1.1) must, within the applicable provincial disaster management framework – (a) prepare a disaster management plan, (b) co-ordinate and align the implementation of the plan, and (c) regularly review and update its plan.”
- 2.5. The National guideline on the Development and Structure of a Disaster Management Plan was developed in 2017 in terms of Section 19(a) of the DMA and Section 3.6 of the National Disaster Management Framework, 2005 (NDMF). This guideline provides a uniform structure to address the considerable unevenness in disaster risk management planning organs of state. It should be taken into consideration that the KwaZulu-Natal Cooperative Governance and Traditional Affairs does not have a Disaster Management Plan as set out in the Disaster Management Act. In line with the above-mentioned legislative prescripts, it can be observed that there is a need to develop a Departmental Plan for Disaster Management in order to comply with the relevant legislation.

3. Scope of the assignment

In developing the COGTA disaster management plan, the following activities will be carried out by the appointed service provider, as well as form an integral part of the plan:

- 3.1. Define the integrated institutional capacity to be established within the Department to enable the effective development and implementation of disaster management;
- 3.2. Outline and define the roles and responsibilities of various programmes in the Department to implement the disaster risk management plans and risk reduction programmes in accordance with approved frameworks;
- 3.3. Outline and define the roles and responsibilities of various programmes in the Department, in terms of demonstrating the risk reduction measures to be put in place to build resilience and promote risk avoidance;



- 3.4. Outline the institutional structures and arrangements to be used to coordinate and implement preparedness planning;
- 3.5. Define and outline systems and institutional arrangements within the Department to ensure effective and appropriate integrated disaster response when significant events or disasters occur or are threatening to occur;
- 3.6. Define and outline systems and institutional arrangements within the Department to ensure effective and appropriate integrated disaster recovery;
- 3.7. Outline the information management and communication systems within the Department, to be used during the implementation of the provincial disaster management plan, and the identification of various programmes in the Department, in reference to materials relevant to the implementation of the integrated disaster management plan in relation to, but not limited to data collection, reporting, and recording, communication to the public and communication and information dissemination to decision makers;
- 3.8. Facilitate and coordinate consultations with relevant programs, business units and directorates on the standard operational procedures (SOPs), as well as protocols and procedures for activating their contingency strategies and plans;
- 3.9. Develop the following templates for the Department:
 - 3.10.1 Disaster Management Operational Template;
 - 3.10.2 Disaster Management Reporting template; and
 - 3.10.3 Disaster Management Assessment Template.
- 3.10. The service provider will be contracted for a period of six (4) months, within which he/she will be expected to do the following:
 - 3.11.1 Submit the project plan highlighting the methodology and approach in conducting this project, accompanied by the project schedule in a Gantt chart format;
 - 3.11.2 Submit monthly and quarterly progress reports on the project;
 - 3.11.3 Submit full programme on the transfer of skills to identified Department staff; and
 - 3.11.4 Submit a comprehensive disaster management plan as identified in the terms of reference (ToRs).

4. Deliverables

On commencement, during the execution and upon completion of the assignment, the following deliverables are expected from the preferred bidder:

- 4.1. A proposal with details on the methodology and approach of the implementation of the project (A project plan and implementation plan);
- 4.2. A Gantt chart outlining the project schedule;



- 4.3. Proposed programme for the transfer of skills and knowledge to the Department's assigned officials;
- 4.4. Monthly and quarterly progress reports on the project;
- 4.5. A comprehensive disaster management plan with relevant SOPs, and contingency strategies; and
- 4.6. A detailed close-out report upon completion of the project.

5. Time Frame

- 5.1. The contract with the successful service provider will be for a period of 4 months to complete.
- 5.2. The project will commence upon date of signing of the Service Level Agreement (SLA) between the COGTA and the Successful bidder/ service provider.

6. Performance Measurement/ Reporting

To facilitate the performance of Service Provider and monitor their scope of work, the COGTA will:

- 6.1. Enter into a Service Level Agreement (SLA) that will govern the relationship between CoGTA and the Service Provider.
- 6.2. The SLA will include project assignments that will address each of the project deliverable.
- 6.3. Establish a Project Steering Committee to manage, monitor and oversee the project. The Head of the Department will chair this Project Steering Committee. The Steering Committee will appoint the Project Manager who will manage and monitor the implementation of activities of the project. This committee will ensure that:
 - Services are rendered timeously;
 - Timeframes as far as possible are not extended;
 - Will render a quality assurance function; and
 - Will ensure that additional costs are not incurred unnecessarily.
- 6.4. The Service Provider will be expected to table progress reports for each deliverable contained in the implementation plan as agreed and in terms of the SLA.
- 6.5. Ensure that all legal process is undertaken to process payments and monitor the payment schedule that will be attached to the SLA. Payments will therefore only be approved and processed on the basis of the achievement of deliverables as per the implementation plan and/or project plan and related performed project tasks.



6.6. These deliverables and related payments will be recommended by the Project Manager and approved by the Project Steering Committee.

7. Skills and knowledge requirements:

7.1. Expected expertise and skills

The successful service provider should display the ability and capacity to deliver within the time frames specified to develop the plan that caters for all the specified requirements/activities in sections 3 and 4 of this ToR respectively. Accordingly, the service provider should have the following skills and experience:

- 7.1.1. Master's Degree in Social Science or Environmental Studies or related fields;
- 7.1.2. A broader understanding of government legislation, more particularly the Disaster Management Act, 2002 (Act No. 57 of 2002), the National Disaster Management Framework (2005); and other relevant sector legislation and disaster management programmes;
- 7.1.3. An understanding of the local government system, the conditions and context in relation to disaster management;
- 7.1.4. A proven track record in conducting research in a public sector environment. Any disaster management-related project can be an advantage;
- 7.1.5. Ability to develop detailed research and writing compositions and reports, and written and oral communication skills including analytical skills;
- 7.1.6. Coordination and leadership skills to guide the Department in its efforts to manage disaster risks and enhance adaptation to climate change; and
- 7.1.7. Clear understanding and knowledge of institutional, technical and financing framework for disaster risk assessment.

8. Form of proposal

8.1. Bidders are required to complete the official bidding documents in all respects and to attach a valid tax clearance certificate as issued by the South African Revenue Services. In addition to this requirement, bidders are also requested to attach the following documents in support of their bids:

- i. Proposal;
- ii. Previous, current contracts, and (or similar to what the proposal requires) awarded to the bidder as well as client references;



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- iii. A written brief on the understanding of the terms of reference, particularly the scope of the assignment, deliverables and methodology;
- iv. The team proposed by the bidder and the *curriculum vitae* of each team member. The CVs must highlight the team's expertise.
- v. Proposed programme for the transfer of skills and knowledge to **COGTA** officials; and

8.2. Costing of the Proposal

- (i) Rates per team member (in line with the National.
- (ii) Rates for the disbursement (Subsistence and travelling).
- (iii) All rates must be in line with Treasury or DPSA Regulations.

Failure to include the above information together with the bid document on the closing date and time will invalidate the bid.

9. Evaluation criteria



9.1. Eligibility

Bidders must meet all the requirements in the eligibility criteria, failure to meet all requirements will result in disqualification.

Eligibility criteria		Method of verification (By Department)	YES / NO
Requirements & experience	Company profile and CV of individuals allocated to this contract	Company Profile and CV of project manager	
	<i>Qualification of Project Manager</i> Minimum Qualification of the Project Manager: Master's Degree in Social Science/Environmental Studies or related field.	Submit a certified copy of the qualification	
	<i>Company experience</i> 4 years minimum years of experience in content development within the public sector.	Submit minimum of 1 reference letters of previous clients	

10. Enquiries: Enquiries Regarding Terms of Reference should be directed to:

Contact persons: Mr SE Ngema

Tel: 066 475 2308

11. PRICING OF THE BIDS

The Department reserves the right to contact bidders to –



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- 11.1. Obtain clarity where information is incomplete or where a lack of clarity exists about technical aspects of the bid;
- 11.2. Obtain confirmation of prices in cases where it is obvious that a written, typed or transcription error, or an error in the unit price has been made.

**TENDERER'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 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, 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.
- 3.5** 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.

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.



- 3.6** 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.
- 3.7** 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

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.
- b) Either the **80/20 preference point system** will be applicable in this tender. The lowest/highest acceptable tender will be used to determine the accurate system once tenders are received.

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: Black Ownership	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 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = 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 points is allocated for price on the following basis:



80/20

$$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

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.



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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 claimed (80/20 system) (To be completed by the tenderer))	Evidence to be provided to substantiate any claims in regards to preferences/specified goal
BLACK OWNERSHIP		20	

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;



KWAZULU-NATAL PROVINCE

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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:

.....

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