



**SOUTH AFRICAN HUMAN RIGHTS**

**COMMISSION**

27 Stiemens Street  
JD House  
Braamfontein  
2017

Private Bag X 2700  
Houghton  
2041

Tel.: 011 877 3600



**Bid Document for Gauteng Provincial Office Lease**

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**BID NUMBER: SAHRC 02-2023**

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**REQUEST FOR PROPOSAL**

<b>TENDER NUMBER</b>	<b>SAHRC 02-2023</b>
<b>DESCRIPTION</b>	To obtain leased office premises for the South African Human Rights Commission's (Commission) Gauteng Provincial office.
<b>ADVERTISEMENT</b>	DATE: 21 OCTOBER 2023
<b>TENDER BRIEFING</b>	DATE: 30 October 2023 TIME: 10H00 (GMT +2) ADDRESS: 27 Stiemens Street, Braamfontein, Johannesburg  All enquiries should be in writing as follows: Administration/Supply Chain Management: Phumla Tshabangu Technical: Zama Mbeki <a href="mailto:tenderoffice@sahrc.org.za">tenderoffice@sahrc.org.za</a>
<b>CLOSING DATE</b>	DATE: 13 November 2023 TIME: 11H00 (GMT +2) ADDRESS: 27 Stiemens Street, Braamfontein, Johannesburg

## 1. BACKGROUND

The South African Human Rights Commission (Commission) is a Constitutional body established in terms of the Constitution of South Africa, 1996 as well as the South African Human Rights Commission Act, 40 of 2014. The SAHRC is under the strategic leadership of Commissioners. The administration of SAHRC is overseen by a Chief Executive Officer (CEO).

The Commission requires office space for their offices in Gauteng, for a 5-year lease, starting from 1 April 2024 until 31 March 2029 with an **exit clause at the end of three years without any penalties incurred**. The office premises should be close to public transport in the CBD or within a 5 km radius of the CBD.

The building should be accessible for people with disabilities, children, and older persons. It should also consider security concerns as the Commission host engagements with high profile international and national stakeholders.

The building should also include parking for executives, high profile international and national stakeholders, and staff.

## 2. PURPOSE

The invitation to bid is intended to obtain leased office premises for the South African Human Rights Commission's (Commission) Gauteng Provincial office.

## 3. THE COMMISSION'S OFFICE BUILDING SPECIFICATIONS

### 3.1 OPEN PLAN OFFICE SPACE

Please refer to **ANNEXURE A** on the proposed space for the Commission offices.

#### **Additional Requirement**

The actual office space should be maximum **433 m<sup>2</sup>**. The air conditioners in the open plan offices should have a function to control temperature for each section of the office. Fire safety certificate should be submitted.

- a.) The building must be Grade A or B Building-Proof of same should be attached
- b) It must comply with the OHSA-National Building Regulation and Building Standards Act of 1977
- c) Office premises must be wheelchair accessible
- d) Premises must have back-up generator or solar system with batteries
- e) Motion detector lights

- f) Premises must have separate male and female toilets and at least 1 disability toilet
- g) Interns Open Plan Space should accommodate 4 interns
- h) Server Room should have concrete wall, false floor and air conditioner and hot air ducts.
- i) Records Strong room should have heavy strong door.
- j) Sick room should have washing basin or be closer to bathroom
- k) 10 parking bays of which 5 is secured under cover. All should be within the premises.
- l) Offices must provide for ventilation.

#### **4. MINIMUM REQUIREMENTS**

- The bidder must provide financial statements or cash flow statement to verify that buildings can be maintained as and when needed.
- Utilities bill must be provided during the evaluation phase to verify that all outstanding municipal services have been paid for and up to date.
- The bidder must provide a generator on site that can handle the capacity during load shedding.
- The bidder must be a company submitting and making proposals.
- The location of offices must be within a 5km radius from Bree Station
- The bidder must provide for a portion of tenant installations and the designer will be chosen by the Commission. The design plans must be carried out by the bidder for occupation of the Commission.
- The bidder must provide for pre-occupation where rental will not be paid but to carry out tenant installations and ready the building for occupation.

#### **5. DELIVERABLES**

Building or office promises that meet stated specifications and requirement must be ready for occupation by 1 April 2024

Pre-occupation and access to the building must be given to the Commission without incurring rental expenses at least 4 months before occupation date to carry out tenant installations, IT and other related infrastructure and readying the building for employees to move in on the 1<sup>st</sup> of April 2024.

#### **6. PRICING**

Detailed costing aligned to the scope of work must be submitted.

The proposed project must be inclusive of all costs.

The SAHRC reserves the right to negotiate the selection/prioritization of deliverables in line with the contract price.

Pricing requirements must be inclusive of all applicable taxes (VAT) and consideration should be given to the following:

**ANNEXURE B** must be submitted for pricing requirements including the contributed amount per square meter for tenant installations.

## **7. INDEPENDENCE AND OBJECTIVITY OF STAFF**

In carrying out the work, the service provider must ensure that its staff maintains their objectivity by remaining independent of the activities they execute.

## **8. CONFIDENTIALITY**

The service provider will hold material and information exchanged in the course of the implementation of this assignment in the strictest confidence and will take all steps necessary to prevent dissemination of this information to any third party, without the prior written agreement of the Commission. To ensure that at all times compliance with legal obligations including recent laws such as POPIA.

## **9. DURATION OF THE CONTRACT**

The Commission will each enter a contract with the winning bidder. Contract shall commence on the 1 April 2024 and end on 31 March 2029 with an **exit clause at the end of three years with no penalty clause of losses to be incurred.**

## **10. EVALUATION CRITERIA**

South African Human Rights Commission has set minimum standards (Gates) that a bidder needs to meet to be evaluated and selected as a successful bidder. The minimum standards consist of the following:

<b>Pre-qualification (Gate 0)</b>	<b>Criteria</b>	<b>Checklist to be completed by the bidder (Gate 1)</b>	<b>Technical Evaluation Criteria (Gate 2)</b>	<b>Price and Specific Goals (Gate 3)</b>
Bidders must submit all documents as outlined in (Table 1) below. Only bidders that comply with ALL these criteria will proceed to Gate 1.		Bidders must fill out the checklist, where non-compliance is identified, the bidder will be automatically disqualified from the process and will not be evaluated further.	Bidder(s) are required to achieve a minimum threshold of 70 points to proceed to Gate 3 (Price and BEE).	Bidder(s) who have successfully progressed through gate 0, 1 and 2 will be evaluated in accordance with the 80/20 preference point system contemplated in the Preferential Procurement Policy Framework Act, 2022. 80 points will be awarded for price whilst 20 points will be allocated for preference points for specific goals as prescribed in the regulations.

## 10.1 Gate 0: Pre-qualification Criteria

Without limiting the generality of South African Human Rights Commission's other critical requirements for this Bid, bidder(s) must submit the documents listed in **Table 1** below. All documents must be completed and signed by the duly authorised representative of the prospective bidder(s). During this phase Bidders' responses will be evaluated based on compliance with the listed administration and mandatory bid requirements. The bidder(s) proposal will be disqualified for non-submission of any of the documents.

**Table 1: Documents to be submitted for Pre-qualification.**

Document that must be submitted	Non-submission will result in disqualification	
Invitation to Bid – SBD 1,	YES	Complete and sign the supplied pro forma document
Firm Price Form – SBD 3.1	YES	Complete and sign the new supplied pro forma document
Declaration of Interest – SBD 4	YES	Complete and sign the new supplied pro forma document
Preference of Points Form – SBD 6.1	YES	Complete and sign the new supplied pro forma document
Registration on Central Supplier Database (CSD)	YES	The service provider must be on the Central Supplier Database (CSD). If you are not registered proceed to complete the registration of your company prior to submitting your proposal. Visit <a href="https://secure.csd.gov.za/">https://secure.csd.gov.za/</a> to obtain your vendor number. Submit your CSD report as part of the proposal
Pricing Schedule ANNEXURE B	YES	Submit full details including totals of the pricing proposal, additional annexures are welcomed with detailed costing breakdown.
Audited cash flow Statements	YES	The bidder must provide audited cash flow statements to show the cashflow of the organisation to carry out maintenance and servicing the Commissions needs including keeping up to date with Municipal services.
Submit 1 hard copy and 1 soft copy of the proposal	YES	All bidders are required to submit one (1) hard copy of the proposal in the tender box and one (1) soft copy on a USB flash drive or portable hard drive. CD's and DVD's will not result as a soft copy. Failure to submit either will result in disqualification.

## 10.2 Gate 1: Checklist to be completed by the bidder.

Number	Description	Index	Submitted with bid Yes/No Failure to submit will result in
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			<b>disqualification from the bid.</b>
<b>1</b>	<b>THE BUILDING MUST EXIST AT THE TIME OF THE CLOSING OF THE BID</b>		
1.1	State street address of the premises on the bid offered		
1.2	State the ERF number of the premises on the bid offered. The ERF number offered must correspond with the ERF number stated on the documentary proof to be provided.		
1.3	The bidder must confirm the proposed square meters of the existing premise being offered		
1.4	Provide the floor plans of the premise being offered		
<b>2</b>	<b>SUBMIT PROOF OF OWNERSHIP OF THE BUILDING AT CLOSE OF BID</b>		
2.1	The bidder must submit the documentary proof that the bidder is the registered and beneficial owner of the building offered and attached to this bid. Only a copy bond registration document from the bank and/or a title deed /endorsed deeds of transfer by the Registrar of Deeds will be accepted.		
2.2	Where the bidder is bidding on behalf of the owner of the premises being offered– the bidder must submit a written mandate from the owner of the premise with the documentation on 2.1 which must be attached. Failure to supply supporting documentation on 2.1 or 2.2 will result in the bid being eliminated and not evaluated further.		
<b>3</b>	<b>BUILDING REQUIREMENTS COMPLIANCE CONFORMANCE</b>		
3.1	Confirmation that the designated building is not a heritage building. ("Heritage building" is a building possessing architectural, aesthetic, historic or cultural values which is declared as heritage building by the Planning Authority/Heritage conservation committee or any other Competent Authority in whose jurisdiction such building is situated)		
3.2	The Landlord to confirm that the building offered, the floors to be leased are consecutive floors for the SAHRC occupation if the building is a multi-story building.		

3.3	Proof of building grade must be attached		
4	<b>COMMITMENTS WITH TENANT INSTALLATIONS</b>		
4.1	Bidder to contribute a portion of the tenant installation costs		
4.2	Amount contribution for tenant installations		
4.3	Designs and layout will be done together with the SAHRC and can only be approved once approval is given by SAHRC on layout, colour schemes and design etc.		

**Note: Bidders who fail to comply with the mandatory requirements would have submitted a non-responsive bid, not evaluated further and will be disqualified.**

### **10.3 Gate 2: Technical Evaluation Criteria = 100 points**

Only Bidders that have met the Pre-Qualification Criteria in (Gate 0) and Checklist in Gate 1 will be evaluated in Gate 2 for functionality. Functionality will be evaluated as follows:

- i. Technical Evaluation – Bidders will be evaluated out of 100 points and are required to achieve minimum threshold of 70 points.
- ii. The overall score must be equal or above 70 points to proceed to Gate 3 for Price and Specific Goals evaluations.

The Bidder's information will be scored according to the following points system:

<b>Functionality</b>	<b>Maximum Percentage Achievable</b>	<b>Minimum Threshold</b>
<b>Technical (functionality)Evaluation</b>	100	70 points

**Table 1: Functionality evaluation**

Criteria	Guidelines	Scoring	Maximum score
Reference letters	<p>Proven track record with reference letters of public and/or private sector organisations confirming that the landlord has prepared the building and has met the criteria of: Quality of work time frames</p> <p>Scoring is to be done with the submission of reference letters that <b>MUST</b> contain the following:</p> <p>Letters must be on the letterhead of the company of the tenant, signed, dated and when the lease was entered into.</p> <p>Non submission or if any of the above is omitted will not be considered as a valid reference letter.</p>	<p>0 No valid letters = 0</p> <p>1 valid letter = 5</p> <p>2 valid letters = 10</p> <p>3 valid letters = 15</p> <p>4 valid letters and more = 20</p>	20
Proposed plans on tenant installations and designs	<p>Bidder to submit a proposed plan on the tenant installations which should include the following: Duration of installation Design of the tenant installation Experts the bidder will allocate to carry out tenant installations The Commission reserves the right to appoint our own designer if the bidder designer does not meet the requirements of the Commission.</p>	<p>No submission of proposed plan = 0</p> <p>Proposed plan with duration of installation = 5</p> <p>Proposed plan with duration of installation and design = 10</p> <p>Proposed plan with duration of installation, design and experts = 15</p>	15
Public Accessibility	<p>The public transport should be accessible to staff and members of the public within the vicinity of the building.</p>	<p>Public Transport Accessibility</p> <p>500m - 15 Points 1km - 10 Points +1km - 5 Points</p>	15
Location	<p>The property should be in these areas of preference.</p>	<p>Braamfontein-15 Newtown-10 Parktown-5</p>	15
<p><b>Total Scores as per 1-4 above = 65 points</b></p>			



5.	<b>NB: (site visit would only be conducted with providers that scores 35 points or more between the criteria 1 and 4 above)</b>			
	Site Visit	Lettable space: The amount lettable to the Commission should be provided when site visitations occur via a floor plan.	The floor plan should be in line with the tender document on the ideal size required no floor plan on size = 0 floor plan on size=3	3
		The building should have a back-up generator and/or solar system to cater for load shedding.	No generator and/or solar system = 0 Generator and/or solar system or installation thereof by providing plans by the bidder = 5	5
		Security standards/measures/features of the building.	One of the below -1 Two of the below-3 Three of the below-5 <ul style="list-style-type: none"><li>• Control access</li><li>• Cameras</li><li>• Control room</li></ul>	5
		The building must have workable air conditioning system in place, artificial and natural ventilation.	No working air conditioning system or no air conditions, no natural lights = 0 Bidder to physically verify the air conditioning system works = 4	4
		The building must have a backup water supply system in place for any water outages.	No back up water supply system = 0 Back up water supply system or plans of a water back up system installed by the bidder = 4	4
		The building must cater for disability needs (noise cancellation windows, ramp, ablutions, lift with voice instructor -should the allocated space higher than the ground floor etc)	No disability needs met = 0 Noise cancellation windows= 1 Ramp to enter the building = 1 Disability friendly Ablutions=1 Lift with voice instructor=1	4
		Access to parking for staff and public	The bidder to readily demonstrate the parking facilities for the Commission and for public parking for visitors: within 100 m of building = 5 within 200 m of building = 4 within 300 m of building = 3 within 400 m of building = 2 within 500 m of building = 1 within 600 m of building or more = 0	5
		At least one gender neutral restroom on the same floor being proposed	The bidder to cater for the gender-neutral restrooms no gender-neutral restroom = 0 gender neutral restroom = 5	5

	<b>TOTAL</b>		<b>100</b>

If you attained 70 points/percent or more in Gate 2 you will now be evaluated for **Price** in terms of the **80/20-preference point system**, where 80 points will be for **Price** and 20 points will be for your **Specific Goals status**. The contract would be awarded to the service provider scoring the highest score.

The points scored in respect of **Specific Goals** contribution will be added to the points scored for price.

#### 10.4 Gate 3: Price and Specific Goals Evaluation (80+20) = 100 points

Only Bidders that have met the 70 points thresholds in Gate 2 will be evaluated in Gate 3 for price and specific goals. Price and specific goals will be evaluated as follows:

In terms of regulation 6 of the Preferential Procurement Regulations pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be adjudicated on the 80/20-preference point system in terms of which points are awarded to bidders based on:

- The bid price (maximum 80 points)
- Specific Goals (maximum 20 points)

##### i. Stage 1 – Price Evaluation (80 Points)

Criteria	Points
<b>Price Evaluation</b>  $P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	80

The

following formula will be used to calculate the points for price:

Where

Ps = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid

*ii. Stage 2 – BBBEE Points (20 Points)*

**a. Specific Goals**

A maximum of 20 points may be allocated to a bidder for attaining their Specific Goals level of contributor in accordance with the table below:

**Refer to the attached SBD 6.1 attached.**

**11. SUBMISSION REQUIREMENTS**

To be considered as a possible service provider, kindly submit the following:

11.1.1 Proposal

11.1.2 BBBEE Certificate

11.1.3 Company Profile

11.1.4 SBD 1

11.1.5 SBD 3.1

11.1.6 SBD 4 document

11.1.7 CSD report at time of tender

11.1.8 SBD 6.1/Specific Goals form

Note: If a bidder is a Consortium, Joint Venture or Prime Contractor with Subcontractor(s), the documents listed above must be submitted for each Consortium/ JV member or Prime Contractor and Subcontractor(s).

**12. CONTRACT PERFORMANCE**

Preferred Service provider will enter into a contract with the SAHRC, which with a format, term and conditions set by the SAHRC.

The performance of the Service Provider shall be reviewed quarterly during the period of the signed Service Level Agreement.

If it is found that information provided is false including the breach of the General Condition of Contract, The SAHRC reserves the right to terminate this contract with immediate effect.

**13. CONTACT AND COMMUNICATION**

**NB: All tender enquires must be in writing.**

Activity	Due Date
Advertisement of bid on SAHRC website/ eTender portal	21 October 2023
Questions relating to the bid from bidder(s) must be emailed	tenderoffice@sahrc.org.za
Bid closing date	13 November 2023

**Please submit all tender documents at Head Office by Monday 13 November 2023, before 11h00.**

The delegated office of South African Human Rights Commission may communicate with Bidder(s) where clarity is sought in the bid proposal. For any SCM related issues kindly contact [Tenderoffice@sahrc.org.za](mailto:Tenderoffice@sahrc.org.za)

Any communication to an official or a person acting in an advisory capacity for South African Human Rights Commission in respect of the bid between the closing date and the award of the bid by the Bidder(s) is discouraged.

All communication between the Bidder(s) and South African Human Rights Commission must be done in writing.

Whilst all due care has been taken in connection with the preparation of this bid, South African Human Rights Commission makes no representations or warranties that the content of the bid or any information communicated to or provided to Bidder(s) during the bidding process is, or will be, accurate, current, or complete. South African Human Rights Commission and its employees and advisors will not be liable with respect to any information communicated which may not accurate, current, or complete.

If Bidder(s) finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this bid or any other information provided by South African Human Rights Commission (other than minor clerical matters), the Bidder(s) must promptly notify South African Human Rights Commission in writing of such discrepancy, ambiguity, error, or inconsistency in order to afford South African Human Rights Commission an opportunity to consider what corrective action is necessary (if any).

Any actual discrepancy, ambiguity, error or inconsistency in the bid or any other information provided by South African Human Rights Commission will, if possible, be corrected and provided to all Bidder(s) without attribution to the Bidder(s) who provided the written notice.

All persons (including Bidder(s)) obtaining or receiving the bid and any other information in connection with the Bid, or the Tendering process must keep the contents of the Bid and other such information confidential, and not disclose or use the information except as required for the purpose of developing a proposal in response to this Bid.

The SAHRC may request clarity of further information regarding any aspect of the bid. The service provider should supply the requested information within forty-eight (48) hours after the request has been made.

The SAHRC reserves the right to conduct a security background check or screening of the service provider.

The SAHRC reserves the right to conduct mandatory site inspection to the offices of the service provider.

South African Human Rights Commission reserves the right to request presentations/demonstrations from the short-listed Bidders as part of the bid evaluation process.

Upon award South African Human Rights Commission and the successful bidder will conclude a Service Level Agreement regulating the specific terms and conditions applicable to the services being procured by South African Human Rights Commission

South African Human Rights Commission reserves the right to accept or reject any or all amendments or additions proposed by a bidder if such amendments or additions are unacceptable to South African Human Rights Commission or pose a risk to the organisation.

South African Human Rights Commission reserves the right to conduct supplier due diligence prior to final award or at any time during the contract period. This may include site visits and requests for additional information.

South African Human Rights Commission reserves the right to request presentations/demonstrations from the short-listed Bidders as part of the bid evaluation process at the bidders costs.

#### **14. LATE BIDS**

Bids received after the closing date and time, at the address indicated in the bid documents, will not be accepted for consideration and where practicable, be returned unopened to the Bidder(s).

#### **15. COUNTER CONDITIONS**

Bidders' attention is drawn to the fact that amendments to any of the Bid Conditions or setting of counter conditions by Bidders or qualifying any Bid Conditions will result in the invalidation of such bids.

## **16. FRONTING**

Government supports the spirit of broad based black economic empowerment and recognizes that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent, and legally compliant manner. Against this background the Government condemn any form of fronting.

The Government, in ensuring that Bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct, or initiate the necessary enquiries/investigations to determine the accuracy of the representation made in bid documents. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the Department of Trade and Industry, be established during such enquiry / investigation, the onus will be on the Bidder / contractor to prove that fronting does not exist. Failure to do so within a period of 14 days from date of notification may invalidate the bid / contract and may also result in the restriction of the Bidder /contractor to conduct business with the public sector for a period not exceeding ten years, in addition to any other remedies South African Human Rights Commission may have against the Bidder / contractor concerned.

## **17. SUBMISSION OF PROPOSALS**

Bid documents may be placed in the tender box in the aforementioned address on or before the closing date and time at 27 Stiemens, Braamfontein, Johannesburg at 11h00.

Bid documents will only be considered if received by South African Human Rights Commission before the closing date and time.

There will a submission register which bidder must sign upon submitting their bid.

## **18. FORMAT OF THE PROPOSAL**

All the official forms (SBD) must be completed and signed in all respects by bidders. Failure to comply will invalidate a bid.

Bidders are requested to submit one (1) original plus hard copy in 2 USB/Hard drives.

This is a two-stage bidding process in which proposals submitted must include technical and price, submitted in separate envelopes. For this purpose, the service provider must provide in respect of:

**Clearly marked.**

- a. Technical Proposal**, one (1) original plus hard copy in 2 USB/Hard drives.
- b. Financial Proposal.** Clearly marked price bid sheet, one (1) original should include the name of service provider and certification that the person signing the proposal entitled to represent the service provider empowered to submit the bid and authorized to sign a contract with the SAHRC. **This should be submitted in a separate envelope as Financial Proposal.**

For ease of reference, bids should be packaged in the following format:

- a. Annexure A - Signed Tender Document and Completed SBD Forms
- b. Annexure B - Mandatory Documents
- c. Annexure C - Functionality Response
- d. Annexure D - Company Profile
- e. Annexure E - Any other supporting document

## **19. GENERAL CONDITIONS OF CONTRACT**

Any award made to a bidder(s) under this bid is conditional, amongst others, upon –

- a. The bidder(s) accepting the terms and conditions contained in the General Conditions of Contract as the minimum terms and conditions upon which South African Human Rights Commission is prepared to enter a contract with the successful Bidder(s).
- b. The bidder submitting the General Conditions of Contract to South African Human Rights Commission together with its bid, duly signed by an authorised representative of the bidder.

## **20. CONTRACT PRICE ADJUSTMENT**

Contract price adjustments will be done annually on the anniversary of the contract start date. The price adjustment will be based on the Consumer Price Index Headline Inflation

STATS SA P0141 (CPI), Table E	Table E - All Items
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## **21. SPECIAL CONDITIONS OF THIS BID**

South African Human Rights Commission reserves the right:

- a. To award this tender to a bidder that did not score the highest total number of points, only in accordance with section 2(1)(f) of the PPPFA (Act 5 of 2000)
- b. To negotiate with one or more preferred bidder(s) identified in the evaluation process, regarding any terms and conditions, including price without offering the same opportunity to any other bidder(s) who has not been awarded the status of the preferred bidder(s).

- c. To accept part of a tender rather than the whole tender.
- d. To carry out site inspections, product evaluations or explanatory meetings to verify the nature and quality of the services offered by the bidder(s), whether before or after adjudication of the Bid.
- e. To correct any mistakes at any stage of the tender that may have been in the Bid documents or occurred at any stage of the tender process.
- f. To cancel and/or terminate the tender process at any stage, including after the Closing Date and/or after presentations have been made, and/or after tenders have been evaluated and/or after the preferred bidder(s) have been notified of their status as such.
- g. Award to multiple bidders based either on size or geographic considerations.





## ANNEXURE B

### PRICING SCHEDULE APPOINTMENT OF A SERVICE PROVIDER FOR THE LEASING OF OFFICE SPACE FOR THE SAHRC HEAD OFFICE LEASE (JOHANNESBURG)

SAHRC 02/2023

Name of bidder: \_\_\_\_\_

Please provide prices (VAT Inclusive) per the requirements listed in the tables below. For comparative purposes, prices must be quoted on the following services using Table 1 and Table 2:

Table 1

PERIOD	DESCRIPTION	USABLE AREA(M2) NO.PARKING BAYS	RATE PER M2 PER MONTH/RATE PER PARKING BAY PER MONTH	MONTHLY CHARGE	VAT	TOTAL MONTHLY RENTAL INCLUDING VAT	TOTAL ANNUAL RENTAL INCLUDING VAT
Year 1	Office space						
Year 1	Covered parking						
Year 1	Uncovered parking						
Year 1	Tenant installation costs						
Year 1	Other						
TOTAL							

**Please provide with the monthly cost (Vat Inclusive)** for the duration of the contract (5 years) inclusive of annual price adjustment in the table below. The monthly cost should be derived from the total monthly cost on Table 1 above.

**Table 2**

Annual Rental Escalation Rate :	
Office Space	%
Covered Parking	%
Uncovered Parking	%

period	Annual office Space rental	Annual parking bay rental	Total annual Rental excluding vat	Other costs	vat	Total Annual rental including vat
Year 1						
Year 2						
Year 3						
Year 4						
Year 5						
Total						

**Total bid offered rand value which will be used for evaluation** R\_\_\_\_\_

**Value written in words** \_\_\_\_\_

**Bidder Signature** \_\_\_\_\_

**Date:** \_\_\_\_\_

**NB: THIS DOCUMENT MUST SBE SUMBITTED ALONE AS PRICE PROPOSAL.**



SBD1

## PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION</b>					
<b>BID NUMBER:</b>	SAHRC 01-2023	<b>CLOSING DATE:</b> 13 November 2023		<b>CLOSING TIME:</b>	11:00am
<b>DESCRIPTION</b>	Bid for Gauteng Provincial office lease				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT</b>					
27 Stiemens Street. JD House					
Braamfontein					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	Tender office		CONTACT PERSON		
TELEPHONE NUMBER	011 877 3600		TELEPHONE NUMBER		
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	tenderoffice@sahrc.org.za		E-MAIL ADDRESS		
<b>SUPPLIER INFORMATION</b>					
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:		<b>O R</b>	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR <b>THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES, ANSWER THE QUESTIONNAIRE BELOW ]
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**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.</b>	

## PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	<b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b>
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.	<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>
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: .....

## PRICING SCHEDULE – FIRM PRICES (PURCHASES)

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

**IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT**

Name of bidder.....	Bid number.....
Closing Time 11:00	Closing date.....

OFFER TO BE VALID FOR.....DAYS FROM THE CLOSING DATE OF BID.

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

Required by:

.....

- At:

.....

....

.....

Brand and model

.....

Country of origin

.....

- Does the offer comply with the specification(s)? \*YES/NO

- If not to specification, indicate deviation(s) .....

Period required for delivery

.....

....

\*Delivery: Firm/not firm

- Delivery basis .....

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

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

\*Delete if not applicable



**SBD4**

## **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.

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



SBD4

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:

.....  
 .....

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.

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



**SBD4**

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

## 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

*(delete whichever is not applicable for this tender)..*

- 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
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

## 2. DEFINITIONS

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

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 \frac{PPPP}{mmmm} = 8888 \text{ ⧫11} - \frac{PPPP-PP}{PP \text{ mmmmm}} \text{ ⧫} & \text{or} & \frac{PPPP}{mmmm} = 9988 \text{ ⧫11} - \frac{PPPP-PP \text{ mmmmm}}{PP \text{ mmmmm}} \text{ ⧫}
 \end{array}$$

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:

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \mathbf{PPPP} = \mathbf{8888} \mathbf{\text{Z11}} + \frac{\mathbf{PPPP-PP}}{\mathbf{PP mmmmm}} \mathbf{\text{Z}} & \text{or} & \mathbf{PPPP} = \mathbf{9988} \mathbf{\text{Z11}} + \frac{\mathbf{PPPP-PP mmmmm}}{\mathbf{PPmmmmmm}} \mathbf{\text{Z}}
 \end{array}$$

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)

#### 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: .....

.....

.....

.....