



**state security**

State Security Agency  
REPUBLIC OF SOUTH AFRICA

**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:	SSA/11/2021/22	CLOSING DATE:	04 NOVEMBER 2021	CLOSING TIME:	11H00
DESCRIPTION	SUPPLY AND DELIVERY OF STATIONERY FOR A PERIOD OF THREE (3) YEARS TO THE STATE SECURITY AGENCY (SSA)				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
R50 DELMAS ROAD					
MUSANDA COMPLEX					
JOE NHLANHLA ROAD					
RECEPTION					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>					
CONTACT PERSON	TONDANI RAVHANNA				
TELEPHONE NUMBER	+27 (12) 427 5070				
FACSIMILE NUMBER					
E-MAIL ADDRESS	tondiR@ssa.gov.za				
<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					
TOTAL BID PRICE Inc. VAT					
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

<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>			
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE <b>GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW ]
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>			
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> NO			<input type="checkbox"/> YES
DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> NO			<input type="checkbox"/> YES
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? YES <input type="checkbox"/> NO			<input type="checkbox"/>
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> NO			<input type="checkbox"/> YES
<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**

<b>1. BID SUBMISSION:</b>
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>
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
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 <a href="http://WWW.SARS.GOV.ZA">WWW.SARS.GOV.ZA</a> .
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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## **DEFINITIONS**

The rules of interpretation and defined terms contained in the General Conditions of Contract (GCC) shall apply to this invitation to bid unless the context requires otherwise.

In addition the following terms used in this invitation to bid shall, unless indicated otherwise, have the meanings assigned to such terms in the table below.

<b>SSA</b>	State Security Agency.
<b>Invitation to bid</b>	Invitation to bid comprising <ul style="list-style-type: none"><li>○ The cover page and the table of content and definitions</li><li>○ Part 1 which details the Conditions of Bid</li><li>○ Part 2 which details the Terms of Reference relating to the service</li><li>○ Part 3 which contains all the requisite bid forms and certificates; As read with GCC – General Conditions of Contract</li></ul>
<b>Services</b>	Defined services on the cover page of this invitation to bid and described in detail in the Terms of Reference;
<b>Specifications/ Terms of Reference</b>	Specifications or terms contained in Part 2 of this invitation to bid;

## **PART 1**

### **Conditions of Bid**

#### **1. BACKGROUND AND INTRODUCTORY PROVISIONS**

Refer to Part 2 of this invitation to bid for background and introductory information relating to the Services and this invitation to bid.

#### **2. OFFER AND SPECIAL CONDITIONS**

2.1 Without detracting from the generality of clause below, bidders must submit a completed and signed and requisite bid forms attached as Part 3 with its bid.

2.2 All bids submitted in reply to this invitation to bid should incorporate all the forms, parts, certificates and other documentation forming part of this invitation to bid, duly completed where required.

2.3 It is a requirement that an original valid Tax Clearance Certificate be submitted with the bid.

2.4 In the event that any form or certificate provided in Part 3 of this invitation to bid does not have adequate space for the bidder to provide the requested details, the bidder should attach an annexure to such form or certificate on which the requested details should be provided and the bidder should refer to such annexure in the form or certificate provided.

#### **3. CLOSING TIME OF BIDS AND PROVISIONS RELATING TO SUBMISSION OF BIDS**

3.1 The closing date and time for the receipt of bids in response to this invitation to bid is detailed on the cover page of this invitation to bid.

3.2 All bids must be submitted in a sealed envelope/file bearing the bid number, bid description and closing date.

3.4 All bids must be deposited before the closing time and date stipulated above in the bid box at the address detailed on the cover page of this invitation to bid.

#### **4. ENQUIRIES**

4.1 Should any bidder have any enquiries relating to this invitation to bid, such enquiries may only be addressed to the person/s detailed on the cover page to this invitation to bid at the number/s stipulated. 5 days after the briefing session will cut off enquiries.

#### **5. COMPULSORY BID BRIEFING/SESSION**

5.1 There will be No briefing session for this tender.

#### **6. TAX CLEARANCE**

6.1 The bidder should submit an original valid tax clearance certificate together with the bid documentation. A pro forma application for Tax Clearance Certificate (SBD 2) is attached as Part 3 – Schedule B. Bidder must take specific note of the conditions stipulated in SBD 2. Tax clearance certificate and B-BBEE certificate must be renewed every 12 months and must be submitted to Supply Chain Management.

## **7. PRICING**

- 7.1 The bidder(s) must submit details regarding the bid price for the Services on the Pricing Schedule form/s attached as Part 3 – Schedule C which completed form/s must be submitted together with the bid documents.
- 7.2 Pricing must be stipulated **INCLUSIVE OF VALUE ADDED TAX**
- 7.3 It is an express requirement of this invitation to bid that the bidders provide some transparency in respect to their pricing approach. In this regard, bidders must indicate the basis on which they have calculated their pricing by completing all aspects of the Pricing Schedule form Part 3 – Schedule C.
- 7.4 **The pricing schedule should be forwarded electronically in the original excel format (Memory stick, Disks) and the final price transferred to the SBD 3.1.**

## **8. DECLARATION OF INTEREST**

- 8.1 The bidder should submit a duly signed declaration of interest (SBD 4) together with the bid. The declaration of interest is attached as Part 3 – Schedule D.

## **9. DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

- 9.1 The bidder must complete the declaration and sign accordingly to submit with the bid. The declaration of bidder's past supply chain management practices is attached as Part 3 – Schedule E

## **10. COMPETITION**

- 10.1 Bidders and their respective officers, employees and agents are prohibited from engaging in any collusive action with respect to the bidding process which serves to limit competition amongst bidders.
- 10.2 In general, the attention of bidders is drawn to Section 4(1) (iii) of the Competition Act 1998 (Act No. 89 of 1998) (the Competition Act) that prohibits collusive bidding.
- 10.3 If bidders have reason to believe that competition issues may arise from any submission of a response to this bid invitation they are encouraged to discuss their position with the competition authorities before submitting response.
- 10.4 Any correspondence or process of any kind between bidders and the competition authorities must be documented in the responses to this invitation to bid. Certificate of Independent is attached as Part 3 – Schedule F.

## **11. QUALIFICATIONS OF BIDDERS**

- 11.1 Bidders must submit detailed information together with their bid and disclose the **experience in the relevant** trade together with present contracts. These details should be submitted together with the bid on the form attached as Part 3 – Schedule G.

## **12. PARTNERSHIPS AND LEGAL ENTITIES**

12.1 In the case of the bidder being a partnership, close corporation or a company all certificates reflecting the names, identity numbers and address of the partners, members or directors (as the case may be) must be submitted with the bid. These details should be submitted on the form attached as Part 3 – Schedule H.

**13. ORGANISATIONAL PRINCIPLES**

13.1 The bidder should submit a clear indication of the envisaged authorized organizational principles, procedures and functions for an effective delivery of the required Service. These details should be submitted on the form attached as Part 3 – Schedule I

**14. DETAILS OF THE PROSPECTIVE BIDDERS NEAREST OFFICE TO THE LOCATION OF THE CONTRACT**

14.1 The bidder should provide full details regarding the bidders nearest office base in the province (see Part 3 of this invitation to bid). These details should be provided on the form attached as Part 3 – Schedule J which completed form, must be submitted together with the bid.

**15. FINANCIAL PARTICULARS**

15.1 Bidder must provide full details regarding its financial particulars and standing, which particulars should be submitted together with the bid on the form attached as Part 4 - Schedule K.

**16 PREFERENCE POINTS CLAIM FORMS**

16.1 Part 3 – Schedule L contains the Preference Points Claim Forms in terms of Preferential Procurement Regulations, 2011 to be completed and signed by the bidder to the extent applicable and returned with this bid.

**17. VALIDITY**

17.1 Bid documentation submitted by the bidder will be valid and open for acceptance for a period of (150) calendar days from the closing date and time stipulated on the front cover of this invitation to bid.

**18. PRE – QUALIFICATION/SUBMISSION CHECKLIST**

18.1	Bid Document (This Document – All pages Completed, Initialed and signed by Bidder)
18.2	Invitation to bid (Completed and signed) (SBD 1)
18.3	Original and valid Tax Clearance Certificate as stipulated (SBD 2)
18.4	Pricing Schedules (SBD3.3)
18.5	Declaration of Interest (SBD 4)
18.6	Declaration of Bidder's Past Supply Chain Management Practices Invitation to bid (SBD 8)
18.7	Certificate of Bid Determination (SBD 9)
18.8	Preference Points Claim Forms (SBD 6.1)
18.9	Qualifications and Experience – completed and signed (Schedule F)
18.10	Copy of Entity Registration Form (Schedule H)
18.11	JV or Consortium Agreement where applicable
18.12	Organizational Structure (Schedule I)
18.13	Details of Bidder's nearest office (Schedule J)
18.14	Proof of financial resources from recognized financial institution and/or latest audited financial statements signed
18.15	Security Clearance Requirements (Schedule M)
18.16	Only Service Providers that are B-BBEE Level 1 and 2, Exempted Micro Enterprises (EMEs) and Qualifying Small Business Enterprise (QSEs) will be considered.

**NOTE: BIDDERS WHO DO NOT COMPLY WITH MANDATORY REQUIREMENTS SHALL NOT BE CONSIDERED, FAILURE TO SUBMIT ANY OF THE ABOVE DOCUMENTS WILL BE DISQUALIFIED.**

**19 CONDITIONS AND MINIMUM MANDATORY REQUIREMENTS**

19.1 The below-mentioned information in this section contains the bid conditions.

19.2 All bidders must adhere to the bid conditions as stated below:

19.2.1 Bidders shall provide full and accurate answers to all (including mandatory) questions posed in this document, and are required to explicitly state either "Accept" or "Not accept" (with a )" regarding compliance with the requirements. Where necessary, the bidder shall substantiate their response to a specific question.

19.2.2 By ticking "(√)" under "**Accept**" will be interpreted as full compliance/acceptance of the applicable paragraph. By ticking "(√)" under "**Not Accept**" will be interpreted that the bidder/s has/have read and understood the paragraph, but the bidder does not accept the content of the applicable paragraph. A "(√)" under "**Not accept**" will be interpreted and evaluated objectively against explanations and supporting documentation respectively.

**NOTE: If PARTIAL is indicated as the level of compliance and NO supporting documentation is provided that clearly clarifies the bidder/s position, the paragraph will be evaluated as "Non-Compliant".**

19.3 **It is mandatory for the bidders to comply with the following bid conditions:**

The following bid conditions will govern the contract between the SSA and the successful bidder:

REQUIREMENT		ACCEPT	NOT ACCEPT
19.3.1	Bidders must be registered on CSD		
19.3.2	Bidders are invited to offer the items in accordance with the attached specifications and the conditions within this document.		
19.3.3	The SSA reserves the right, in its sole discretion, to withdraw by notice to bidders any Services or combination of Services from the bid process, to terminate any party's participation in the bid process or to accept or reject any response to this invitation to bid on notice to the bidders without liability to any party.		
19.3.4	The successful bidder/s will be contracted to provide the supply and delivery of these items for a period to be agreed upon, after which the SSA reserves the right to review and extend the contract for further period/s at its own discretion.		
19.3.5	The fees will be negotiable for each year.		

<b>INTERPRETATION OF REQUIREMENTS</b>		<b>ACCEPT</b>	<b>NOT ACCEPT</b>
19.3.6	The bidder/s shall accept SSA's interpretation of any specific requirement in the bid documents or specifications, should there be a difference of interpretation between the bidder/s and SSA.		
19.3.7	Should any dispute arise as a result of this bid and/or the subsequent contract, which cannot be settled to the mutual satisfaction of the bidder/s and SSA, it shall be dealt with in terms of the GCC of this document.		
19.3.8	Should there be any discrepancies between the bid conditions and any other documentation that forms part of this RFB, the bid conditions shall take preference.		
<b>DOCUMENTATION</b>		<b>ACCEPT</b>	<b>NOT ACCEPT</b>
19.3.8	Fully comprehensive service documentation shall be supplied in English by each bidder, which shall explicitly and in detail describe the service/s offered.		
19.3.9	The bidder's name and address must appear clearly on the outside of tender documents and on envelopes.		
19.3.10	SSA reserves the right to evaluate and consider any bids that do not comply strictly to this RFB.		
19.3.11	Acceptance of any bids will only indicate, without any obligations on the part of either the SSA and/or a bidder, the willingness of such parties to enter into negotiations, which may or may not result in a contract/order as the case may be.		
19.3.12	The SSA reserves the right to make a selection solely on the information received in the bids, or to negotiate further with one or more bidder/s.		
19.3.13	The bidder/s selected for further negotiations, if any, will be chosen on the basis of the greatest benefit to the SSA and not necessarily on the basis of the lowest price or any other criteria.		
19.3.14	The bidder/s selected for further negotiations, if any, will be chosen on the basis of the greatest benefit to the SSA and not necessarily on the basis of the lowest price or any other criteria.		
19.3.15	Should the SSA consider it necessary, the bidder/s shall agree to an inspection of the resources and works of the bidder, if so required		
19.3.16	Should the SSA consider it necessary, SSA representatives will visit the bidder/s' customer sites.		
19.3.17	SSA reserves the right: <ul style="list-style-type: none"> <li>• To cancel this RFB at any time;</li> <li>• Not to accept any bids;</li> <li>• To accept one or more bids for further negotiation; and</li> <li>• To contact any bidder during the evaluation period, to clarify information only, without informing any other bidder.</li> <li>• The SSA reserves the right to award the bid in wholly or in part thereof.</li> <li>• Amend the bidding process, including the timetables, closing date and any other date at its sole discretion;</li> <li>• Reject all responses submitted by bidders and to embark on a new bid process.</li> </ul>		

<b>COPYRIGHT</b>		<b>ACCEPT</b>	<b>NOT ACCEPT</b>
19.3.18	The specifications are the intellectual property of the SSA.		
19.3.19	The specifications are the property of the SSA and are confidential. It shall not in any manner be reproduced, destroyed, lent or given away without the explicit permission of the SSA.		

<b>ALTERNATIVE SUPPLIERS</b>		<b>ACCEPT</b>	<b>NOT ACCEPT</b>
19.3.20	The bidder accepts that the SSA will have the right to contract with any other service provider for the supply and delivery of items not covered by this specification.		
19.3.21	Bidder(s) must also submit a written statement to the specification supplied by the SSA, that none of his/her/their personnel have any involvement or interest in the bidder's/s' business.		

<b>ADDITIONAL CRITERIA</b>		<b>ACCEPT</b>	<b>NOT ACCEPT</b>
19.3.22	The SSA will evaluate the bids against the following criteria: <ul style="list-style-type: none"> <li>• Compliance to bid conditions;</li> <li>• Compliance to the mandatory requirements; and</li> <li>• Price and B-BBEE.</li> </ul>		
19.3.23	In the event that modifications, clarifications or additions to the RFB become necessary, all bidders will be notified, in writing, addenda to this RFB.		
19.3.24	Payments of invoices will be effected within 30 calendar days following after receipt of a correct and original invoice. Invoices/statements should be submitted after the SSA has acknowledged receipt of the services procured or goods supplied. A correct and original monthly statement reflecting the above invoices must be submitted to the SSA for payment		
19.3.25	A contract/s with a successful bidder/s may be terminated by SSA on the grounds of valid commercial or operational requirements that were not foreseen at the time of the Request for Bid (RFB) being submitted and the contract being entered into.		
19.3.26	The SSA does not bind itself to accept either the lowest or any other bid and reserves the right to accept the bid which it deems to be in the best interest of the Department.		
19.3.27	The SSA, nor any of their respective directors, officers, employees, agents, representatives or advisors will assume any obligations for any costs or expenses incurred by any party in or associated with any appraisal and/or investigation relating to this invitation to bid.		
19.3.28	The invitation to bid and its contents are made available on condition that they are used in connection with the bid process set out in the invitation to bid and for no other purpose.		
19.3.29	This invitation to bid may not contain all the information that may be required to evaluate a possible submission of a response to this invitation to bid. The bidder should conduct its own independent analysis of the operations to the extent required to enable it to respond to this bid.		
19.3.30	All information pertaining to this invitation to bid and its contents shall be regarded as restricted and divulged on a "need to know" basis with the approval of the SSA.		

<b>CONSORTIUM/JOINT VENTURE</b>		<b>ACCEPT</b>	<b>NOT ACCEPT</b>
19.3.31	Documents to enter into a consortium or joint venture shall be signed so as to be legally binding on all consortium members.		
19.3.32	The lead member shall be the only authorized party to make legal statements, communicate with the SSA and receive instructions for and on behalf of any and all the members of the consortium		
19.3.33	A copy of the agreement entered into by the consortium members shall be submitted with the bid.		
19.3.34	Each party to the Consortium must submit a BBEE Status Level Verification and Tax Clearance certificates.		
19.3.35	Preference points will be only awarded when a consolidated BBEE Certificate is submitted.		
	One of the members shall be nominated by the others as authorized to be the lead member and this authorization shall be included in the agreement entered into between the consortium members		

<b>CANCELLATION AND RE-INVITATION OF TENDER</b>		<b>ACCEPT</b>	<b>NOT ACCEPT</b>
19.3.36	<p>An AO / AA may, prior to the award of a tender, cancel the tender if:</p> <ul style="list-style-type: none"> <li>• Due to changed circumstances, there is no longer a need for the goods or services requested; or</li> <li>• Funds are no longer available to cover the total envisaged expenditure; or</li> <li>• No acceptable tenders are received; or</li> <li>• Due to material irregularities in the tender process.</li> </ul>		

<b>REASONS FOR DISQUALIFICATION</b>		<b>ACCEPT</b>	<b>NOT ACCEPT</b>
19.3.37	<p>The SSA reserves the right to disqualify any bidder that does any one or more of the following, and such disqualification may take place without prior notice to the offending bidder. However, the bidder shall be notified in writing of such disqualification:</p> <ul style="list-style-type: none"> <li>• Bidders who do not have a valid and original Tax Clearance Certificate on the closing date and time of the bid;</li> <li>• Bidders who submitted incomplete information and documentation according to the requirements of this RFB;</li> <li>• Bidders who submitted information that is fraudulent, factually untrue or inaccurate, for example memberships that do not exist, B-BBEE credentials, experience, etc.</li> <li>• Bidders who received information not available to other vendors through fraudulent means; and/or</li> <li>• Bidders who do not comply with the mandatory requirements as stipulated in this RFB.</li> </ul>		

**20. SECURITY REQUIREMENTS**

<b>ALTERNATIVE SUPPLIERS</b>		<b>ACCEPT</b>	<b>NOT ACCEPT</b>
20.1	Security clearances: Bidders will be subjected to an intensive security clearance prior to the awarding of a contract.		
20.2	The cost of obtaining suitable documents for security clearances is for the account of the bidders.		
20.3	Negative or failure of security clearance or vetting by the bidder at any stage during the contracting or contract period may lead to the cancellation of the contract.		
20.4	Bidder's employees or partners will be screened for every event during the contract period as and when there is an event.		

**21. AWARD OF CONTRACT.**

- 21.1 Bidders must bid for all items as per the attached list. Failure to bid on any of the items listed on the attachment will disqualify Bidders` proposal. **No changes to the attached list will be allowed.**
- 21.2 In the event that two or more bids have scored the total points, the successful bid will be the ones scored the highest points for B-BBEE.
- 21.3 If two or more bids have equal points, including equal preference points for B-BBEE, the successful bid will be the one scoring the highest score for functionality, if functionality is part of evaluation process.
- 21.4 If two or more bids are still equal in all respects, then the award will be decided by drawing of lots.
- 21.5 A contract may, on reasonable and justifiable grounds, be awarded to a bid that did not score the highest number of points.
- 21.6 The State Security Agency reserves the right to award contracts with more than one contractor for the same item.
- 21.7 The State Security Agency reserves the right to limit the number of units awarded or purchased.

**22. CANCELLATION AND RE-INVITATION OF TENDER**

- 22.1 The SSA will, prior to the award of a tender, cancel the tender if:
  - a) Due to changed circumstances, there is no longer a need for the goods or services required; or
  - b) Funds no longer available to cover the total envisaged expenditure; or
  - d) No acceptable tenders are received, and
  - e) Due to material irregularities in the tender process.

**23. PRICING STRUCTURE**

- 23.1 In order to facilitate the evaluation of bids and the administration of this contract, it is required that prices quoted be firm for the first year of the contract, and must also be furnished on the basis of "**delivered to the store**".
- 23.2 Bidders should note that SSA or the Bid Evaluation Committee reserves every right to disqualify any bidder whose bid does not comply with any or more of the specification.
- 23.3 Bidders will only be required to supply the items as per Annexures A, and must bid for all items. Failure to bid on any of the items will invalidate the bid.

**24. FRONTING**

- 24.1 The State Security Agency, as part of government institution 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 National Treasury condemn any form of fronting.
- 24.2 The State Security Agency, in ensuring that bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct or initiate the necessary enquiries or 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.

**25. THE DECISION OF SSA WILL BE FINAL.**

- 25.1 Any bidder, who fails to submit any element of the Bid Submission Requirements set herein, may, at the discretion of the Bid Evaluation Committee, be rejected as unsuitable for evaluation and

**26. PERIOD FOR THIS PROJECT**

The contract period is thirty six (36) months from the date of appointment.



**state security**

State Security Agency  
REPUBLIC OF SOUTH AFRICA

## **TERMS OF REFERENCE**

**SUPPLY AND DELIVERY OF STATIONERY FOR A PERIOD OF  
THREE (3) YEARS.**

## Part 2

### **APPOINTMENT OF SERVICE PROVIDER FOR THE SUPPLY AND DELIVERY OF STATIONERY TO SSA FOR A PERIOD OF THREE (3) YEARS.**

#### **1. PURPOSE**

- 1.1. The State Security Agency (SSA) is looking for the appointment of a Service provider for the supply and Stationery for a period of (3) three year as per the attached stationery lists.

#### **2. BACKGROUND**

- 2.1. The State Security Agency is a National Government Department with Provincial Offices situated throughout the country with the Head Office based in Pretoria. There is a need for stationery in order to maintain daily running of the infrastructure unit. Therefore, the Department requires qualified supplier(s) to supply the department across all the provinces

#### **3. SCOPE OF THE PROJECT**

- 3.1. The successful bidder will be expected to supply and deliver stationery for a period of (3) three years to the State Security Agency as per the specification attached. The lists are not exhaustive and additional items may be added as and when required by the Agency. Failure to tender on all items will disqualify your bid.
- 3.2. **The list in not exhaustive and additional items may be added as and when required by the Agency. The process of adding items on the contract will be as follows:**
- **SCM will request a quote from the appointed service provider**
  - **Two additional quotes will be requested from service providers on the CSD**
  - **The quote of the service provider will be compared with the two additional quotes and negotiations conducted with the appointed service provider to get a market related price**
- 3.3. The supply of items shall be made to SSA Head Office and all the Provincial Offices within five (5) working days of purchase order.

#### 4. PROCESS AND CRITERIA

All bids will be evaluated in terms of compliance and preference point system which comprises of the following:

- 4.1 **Phase 1:** Pre evaluation of the bid documents as per paragraph 18 in Part 1.
- 4.2 **Phase 2:** bidders will be subjected to scrutiny to check whether the proposals received are compliant to the conditions of the bid as well as the TOR/Specifications of the bid. Bidders who do not comply with the specification or Terms of Reference will be disqualified.
- 4.3 **Phase 3:** Price and B-BBEE stage evaluation in terms of the 80/20 preference point systems

The bid will be evaluated in terms of the 80/20 point system as stipulated in the Preferential Procurement Regulations, 2011. 80 points will be allocated for price and 20 points for attaining the B-BBEE status level of contributor.

The following formulae will be used in calculating points scored for price are as follows:

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

Where

- $P_s$  = Points scored for comparative price of tender or offer under consideration
- $P_t$  = Comparative price of tender or offer under consideration; and
- $P_{\min}$  = Comparative price of lowest acceptable tender or off

- Points scored must be rounded off to the nearest 2 decimal places.

**NB:** Bidders are required to, together with their bids submit original and valid B-BBEE status level verification certificates or certified copies to substantiate their B-BBEE rating claim. A bidder will not be disqualified from the bidding process if the bidder does not submit a certificate substantiating the B-BBEE status level of contribution nor is a non-compliant contributor. Such a bidder will score 0 out of maximum of 20 points for B-BBEE. Total points scored will be calculated by adding points scored for price and B-BBEE Contributor Level.

#### 4.4 Evaluation in terms of BBBEE points

Bidders are required to, together with their bids submit original and valid B-BBEE status level verification certificates or certified copies to substantiate their B-BBEE rating claims. A bid will not be disqualified from the bidding process if the bidder does not submit a certificate substantiating the B-BBEE status level of contribution nor is a non-compliant contributor. Such a bidder will score 0 out of maximum of 10 points for B-BBEE.

Point allocation will be done as per the below table:-

<b>B-BBEE Status Level of Contributor</b>	<b>Number of points (80/20 system)</b>
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

## Part 3- Schedule A

### **General Conditions of Contract and Special Conditions of Contracts**

#### **NOTES**

The purpose of this document is to:

- (i) Draw special attention to certain general conditions applicable to government bids, contracts and orders; and
- (ii) To ensure that clients be familiar with regard to the rights and obligations of all parties involved in doing business with government.

In this document words in the singular also mean in the plural and vice versa and words in the masculine also mean in the feminine and neuter.

- The General Conditions of Contract will form part of all bid documents and may not be amended.
- Special Conditions of Contract (SCC) relevant to a specific bid, should be compiled separately for every bid (if applicable) and will supplement the General Conditions of Contract. Whenever there is a conflict, the provisions in the SCC shall prevail.

**NB: SEE ATTACHED GENERAL CONDITIONS OF CONTRACT**

**Part 3 – Schedule B**

**Application for Tax Clearance Certificate**

**TAX CLEARANCE REQUIREMENTS IT IS A CONDITION OF BIDDING:-**

1. It is an absolute requirement that the taxes of the successful bidder **must** be in order or that satisfactory arrangements have been made with the Receiver of Revenue to meet his/her obligations.
2. The attached form, Application for Tax Clearance Certificate (in respect of bids), must be completed by the bidder in all respects and submitted to the Receiver of Revenue where the bidder is registered for tax purposes. That Receiver of Revenue will then furnish the bidder with a Tax Clearance Certificate that will be valid for 6 months from date of issue. This Tax Clearance Certificate must be submitted in the original together with the bid. Failure to submit an **original** and valid Tax Clearance Certificate at the time of submission of the bid **shall** invalidate the bid.
3. In bids where Consortia/ Joint Ventures /Sub-Contractors are involved each party must submit a separate Tax Clearance Certificate. Copies of the Application for Tax Clearance Certificate are available at any Receiver's Office.

**APPLICATION FOR TAX CLEARANCE CERTIFICATE (IN RESPECT OF OFFERORS)**

1. Name of taxpayer / bidder: \_\_\_\_\_
2. Trade name: \_\_\_\_\_
3. Identification number: 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
1. Company / Close Corporation registration number: 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
2. Income tax reference number: 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
3. VAT registration number (if applicable): 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
4. PAYE Employer's registration number 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

  
(If applicable)

Signature of contact person requiring Tax Clearance Certificate: .....

Name: \_\_\_\_\_

Telephone Number: Code: \_\_\_\_\_ Number: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**PLEASE NOTE THAT THE COMMISSIONER OF THE SOUTH AFRICAN REVENUE SERVICE (SARS) WILL NOT EXERCISE HIS DISCRETIONARY POWERS IN FAVOUR OF ANY PERSON WITH REGARD TO ANY INTEREST, PENALTIES AND/OR ADDITIONAL TAX LEVIABLE DUE TO THE LATE OR UNDER PAYMENT OF TAXES, DUTIES OR LEVIES OR THE RENDITION OF RETURNS BY ANY PERSON AS A RESULT OF ANY SYSTEM NOT BEING YEAR 2000 COMPLIANT.**

**Part 3-Schedule D**

**Declaration of Interest**

**SBD4**

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

2.1 Full Name of bidder or his or her representative:

.....

2.2 Identity Number:

.....

2.3 Position occupied in the Company (director, trustee, shareholder?):

.....

2.4 CompanyRegistrationNumber:

.....

2.5 Tax Reference Number:

.....

2.6 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

<sup>1</sup>“State” means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

<sup>2</sup>“Shareholder” means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise

2.7 Are you or any person connected with the bidder presently employed by the state? **YES/NO**

27.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

.....

Name of state institution at which you or the person connected to the bidder is employed :

.....

Position occupied in the state institution:

.....

Any other particulars:

.....

.....

.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:  
.....  
.....  
.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:  
.....  
.....  
.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.  
.....  
.....  
.....

2.10 Are you, or any person connected with the bidder, **YES/NO**  
 aware of any relationship (family, friend, other) between  
 any other bidder and any person employed by the state  
 who may be involved with the evaluation and or adjudication  
 of this bid?

2.10.1 If so, furnish particulars.

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

2.11 Do you or any of the directors / trustees / shareholders / members **YES/NO**  
 of the company have any interest in any other related companies  
 whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:

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

3. Full details of directors / trustees / members / shareholders.

Full Names	Identity Number	Personal Tax Reference Number	State Employee Number/ Persal Number

**4. DECLARATION**

I, THE UNDERSIGNED (NAME).....

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

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

**Part 3-Schedule E**

**SBD 8**

**DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

1. This Standard Bidding Document must form part of all bids invited.
2. It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
3. The bid of any bidder may be disregarded if that bidder, or any of its directors have-
  - a. abused the institution's supply chain management system;
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. failed to perform on any previous contract.
4. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p><b>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</b></p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME).....  
 CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
 Signature

.....  
 Date

.....  
 Position

.....  
 Name of Bidder

**Part 3-Schedule F**

**SBD 9**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

1. This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup>
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a pe se prohibition meaning that it cannot be justified under any grounds.
3. Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. Disregard the bid of any bidder if that bidder or any of its directors have abused the institution's Supply Chain Management system and or committed fraud or any other improper conduct in relation to such system.
  - b. Cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
4. This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
5. In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) Has been requested to submit a bid in response to this bid invitation;
  - (b) Could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) Provides the same goods and services as the bidder and/or is in the same line of business as the bidder

**SBD 9**

6. 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>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. 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.

**<sup>3</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.**

**SBD 9**

10. 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.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

**Part 3- Schedule G**

**Qualification and Experience**

1. Details of the extent of the company activities and business, e.g. branches etc:

\_\_\_\_\_

2. A list of existing and/or previous contracts relating to similar services:

\_\_\_\_\_

\_\_\_\_\_

Description of work and value	Period		Organization	Contact Person	Contact No
	Start date	End date			

3. Details of Qualifications of the Project Manager and the Key Personnel:

Name	Designation	Qualifications

.....

**SIGNATURE OF (ON BEHALF OF) COMPANY**

**Part 3- Schedule H**  
**Organization Type**

**PARTNERSHIP/CLOSED CORPORATION/COMPANY**  
**( delete which is not applicable)**

The bidder comprises of the following partners/members/directors :

1. NAME \_\_\_\_\_

ADDRESS : \_\_\_\_\_

ID NUMBER: \_\_\_\_\_

2. NAME : \_\_\_\_\_

ADDRESS : \_\_\_\_\_

ID NUMBER: \_\_\_\_\_

3. NAME : \_\_\_\_\_

ADDRESS : \_\_\_\_\_

ID NUMBER: \_\_\_\_\_

4. NAME : \_\_\_\_\_

ADDRESS : \_\_\_\_\_

ID NUMBER: \_\_\_\_\_

5. NAME : \_\_\_\_\_

ADDRESS : \_\_\_\_\_

ID NUMBER: \_\_\_\_\_

.....  
**SIGNATURE OF (ON BEHALF OF) BIDDER**



**Part 3- Schedule J**  
**Details of Supplier's Office**

1. Physical address of supplier's office

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2. Telephone No of office: \_\_\_\_\_

3. Time period for which such office has been used by supplier:

---

.....  
**SIGNATURE OF (ON BEHALF OF) BIDDER**

\_\_\_\_\_  
**NAME IN CAPITAL LETTERS**

In the presence of:

1. \_\_\_\_\_

2. \_\_\_\_\_

**Part 3- Schedule K**

**Financial Particulars**

This schedule must be completed by the bidder and submitted together with the bid. **Documentary proof confirming availability of financial resources to execute the contract from the bidder's financial institution and /or Audited Financial Statements must be submitted with the bid.** If this requirement is not complied with in full the bid will be considered invalid

Nature of Service: \_\_\_\_\_

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

Bid Number: \_\_\_\_\_

	<p style="text-align: center;"><b><u>FINANCIAL POSITION OF BIDDER</u></b></p> <p>I/we hereby certify that I/we have the necessary financial capacity and resources to execute the above contract successfully for the bid amount. I / we hereby attach letter confirming availability of financial resources from the financial institution. I / we give the SSA permission to contact the financial institution below to confirm the information provided.</p> <p>In the absence of the above, a letter confirming that the bidder has applied for financial assistance from any financial institution and that the institution is willing to favourably consider such application in the event that the bidder is successful, will also satisfy the Department.</p>
NAME OF FINANCIAL INSTITUTE	
ADDRESS	
TEL.NO	
FAX NO.	
CONTACT PERSON	

\_\_\_\_\_  
SIGNATURE OF (ON BEHALF OF) BIDDER

\_\_\_\_\_  
NAME IN CAPITALS

In the presence of : 1. ....

2. ....

**Part 3- Schedule L**

**SBD 6.1**

**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 80/20 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:

	<b>POINTS</b>
<b>PRICE</b>	80
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	20
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

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

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

P<sub>min</sub> = 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 least 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.

WITNESSES  1. ....  2. ....
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.....  SIGNATURE(S) OF BIDDERS(S)  DATE: .....
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**Part 3- Schedule M**

**SECURITY CLEARANCE REQUIREMENTS**

**DECLARATIONS**

**A. Does the business meet the government's Black Economic Empowerment requirements as per the relevant industry charter?**

Yes: ..... No: .....

**If YES Explain:**

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

**B. Do you declare that the business is NOT a BEE front company?**

Yes: ..... No: .....

**If NO Explain:**

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

**C. Does the business have any associated family? Friends or business associates in the employ of the Ministry of Intelligence?**

Yes: ..... No: .....

**If YES Explain:**

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

**CONFIDENTIAL**

**D. Do any of the above mentioned in Declaration C have any financial interest in the business?**

Yes: ..... No: .....

If YES Explain:

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

**E. Do you declare that the company is currently in a stable and sustainable financial position**

Yes: ..... No: .....

If YES Explain:

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

**F. Has the business done any work for a foreign government institution intelligence agency?**

Yes: ..... No:.....

If YES Explain:

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

**G. Has the business or any of its principals/ employees obtained a security clearance from any foreign or local governmental institution?**

Yes: ..... No: .....

If YES Explain:

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

**CONFIDENTIAL**

**THE CONTENTS OF THIS DECLARATION FORM MUST BE CERTIFIED AS CORRECT**

Hereby the undersigned certifies that:

1. Note is taken that the completed declaration is for official use only and will be treated as strictly **CONFIDENTIAL**.
2. The information stated in this declaration is accurate and true and note is taken that false information will have a negative effect on the security clearance of the company and its principals.
3. The signatory will be held immediately responsible for any fraudulent or incorrect information provided.

**Company:** .....

**Respondents name:** .....

**I.D. number:** .....

**Position:** .....

**Date:** .....

**Signature:** .....



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### ***Security Clearance: Documentation Requirement for Companies***

1. In terms of The National Strategic Intelligence Act 39 of 1994 as amended by the National Strategic Intelligence Act 67 of 2002 section 2A, members of the SSA may, in a prescribed manner, gather information relating to criminal records, financial records, personal information or any other information which is relevant to determine your security competence.
2. Please submit certified copies of the following documentation:
  - **Audited Financial Statements (To include Income Statement ,Balance Sheet, & Cash Flow Statements for a period of two years)**
  - **Bank statements of all accounts held, covering the last six (6) months.**
  - **Company Registration Certificate**
  - **Name Change Certificate / Amended Founding Statement (If Applicable)**
  - **List of Employees /Contractors who require access to the premises AND Identity Documents**
  - **Name & Contact details of Auditing / Accounting Firm**
  - **List of 5 major creditors and contact details**
  - **Letters declaring Members or directors involvement in associated businesses (Names and registration numbers of all companies associated with the Members / Directors)**
  - **Three (3) Letters of Recommendation**