



**higher education
& training**

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA



GAUTENG
Community Education and Training
CET COLLEGE

-REQUEST FOR PROPOSALS

TERMS OF REFERENCE: THE REQUEST FOR A SUITABLE SERVICE PROVIDER TO RENDER AN INTERNAL AUDIT SERVICES FOR THE PERIOD OF THREE YEARS I.E 2023, 2024, AND 2025 FINANCIAL YEARS FOR GAUTENG COMMUNITY EDUCATION AND TRAINING COLLEGE (subject to the annual evaluation or performance review) as and when required

BID NUMBER: GCETC/3/2022/H_0

Date issued: 15 December 2022

Closing date and time: 18 January 2023 at 13H00

Bid Validity period: 90 days

TENDER SUBMISSION:

Note: All bids must be uploaded against the respective tender number on the submission portal on the Gauteng Community Education & Training College's website by no later than 18 January 2023 at 13H00. The following link can be used for ease of reference: <http://portal.gcetc.edu.za/>

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1. INVITATION TO BID AND TERMS AND CONDITIONS**SBD1****PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE GAUTENG CET COLLEGE					
BID NUMBER:	GCETC/3/2022/H_0	CLOSING DATE:	18 January 2023	CLOSING TIME:	13H00
DESCRIPTION	TERMS OF REFERENCE: THE REQUEST FOR A SUITABLE SERVICE PROVIDER TO RENDER AN INTERNAL AUDIT SERVICES FOR THE PERIOD OF THREE YEARS I.E 2023, 2024, AND 2025 FINANCIAL YEARS FOR GAUTENG COMMUNITY EDUCATION AND TRAINING COLLEGE (subject to the annual evaluation or performance review) as and when required				
Note: All bids must be uploaded against the respective tender number on the submission portal on the Gauteng Community Education & Training College's website by no later than 18 January 2023 at 13H00. The following link can be used for ease of reference: http://portal.gcetec.edu.za/					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
CONTACT PERSON	R Diale		CONTACT PERSON	Joy Majola	
TELEPHONE NUMBER	0109001169		TELEPHONE NUMBER	010 900 1159	
FACSIMILE NUMBER	n/a		FACSIMILE NUMBER	n/a	
E-MAIL ADDRESS	Rdiale@GP.CETC.edu.za		E-MAIL ADDRESS	JMajola@GP.CETC.edu .za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
INCOME TAX REGISTRATION NUMBER					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TCS PIN:	OR	CSD No:		
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	TICK APPLICABLE BOX ☐ No ☐ Yes	B-BBEE STATUS LEVEL SWORN AFFIDAVIT		TICK APPLICABLE BOX ☐ Yes ☐ No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT (FOR EMES& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ANSWER THE QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO					

DOES THE BIDDER HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO

DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO

DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
7.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. 7.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR <i>IN THE MANNER PRESCRIBED IN THE BID DOCUMENT. BIDS MUST BE SUBMITTED IN A SEALED ENVELOPE.</i> 7.3. BIDS SHOULD BE COMPLETED IN FULL AND SIGNED, AND ALL PARTIES MUST INITIAL EACH PAGE IN ORIGINAL BLACK INK. 7.4. CORRECTION FLUID MAY NOT BE USED AND ERRORS MUST BE CROSSED OUT AND ALL CORRECTIONS SHOULD BE FULLY SIGNED AND DATED. 7.5. 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 LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT. 7.6. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO REGISTER ON THE COLLEGE SUPPLIER DATABASE IF NOT ALREADY REGISTERED AND TO ENTER INTO A FORMAL SERVICE LEVEL AGREEMENT WITH THE COLLEGE / FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE COLLEGE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS. 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA. 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID. 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER. 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. 2.7 WHERE BIDDERS ARE REGISTERED ON THE CSD, A CSD REGISTRATION REPORT MUST BE SUBMITTED TOGETHER WITH THE QUOTE. 2.8 BIDDERS ARE REQUIRED TO SUBMIT COPIES OF THEIR REGISTRATION DOCUMENTS (E.G. ID IF INDIVIDUAL OR CIPC REGISTRATION CERTIFICATE IF COMPANY) AS WELL AS A COPY OF A RECENT MUNICIPAL ACCOUNT (NOT OLDER THAN THREE MONTHS) TOGETHER WITH THEIR QUOTATION. 2.9 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."
3. CONDITIONS OF CONTRACT
3.1 The external auditors that are appointed will be required to: 3.1.1 At all times for the duration of the contract, act honestly, fairly and with due skill, care and diligence in the best interest of the College,

3.1.2	Manage, effectively utilise and apply the resources, procedures and appropriate technological systems to ensure that the proper performance of the services for the duration of this contract,
3.1.3	Act with circumspection and treat the College fairly in all situations where conflicting interests may become apparent,
3.1.4	Comply with all applicable statutory or common law requirements related to the conduct of its business,
3.1.5	Make adequate disclosures regarding relevant and material information, including the disclosure of actual or potential interests the company may acquire, in relation to its dealings with the College,
3.1.6	Avoid any form or instance of fraudulent and misleading advertising, canvassing and marketing for the duration of the RFQ
3.1.7	Conduct business activities transparently and consistently uphold the interests and needs of the College as a client, before any other consideration; and
3.1.8	Ensure that for the duration of the RFQ no information acquired from the College will be utilised and/or disclosed to any third parties unless written consent from the College has been obtained to do so.
3.2	Conflict of interest, corruption and fraud
3.2.1	The College reserves the right to disqualify any potential audit firm who either itself, or through any of its members (save for such members who hold a minority interest in the bidder through shares listed on any recognised stock exchange), indirect members (being any person or entity who indirectly holds at least a 15% interest in the audit firm other than in the context of shares listed on a recognised stock exchange), directors or members of senior management, whether in respect of the College or any other College organ or entity and whether from the Republic of South Africa or otherwise ("College "):
3.2.1.1	Engages in any collusive submission, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other audit firm in respect of the subject matter of this RFQ,
3.2.1.2	Seeks any assistance, other than assistance officially provided by a College, from any employee, advisor or other representative of a College in order to obtain any unlawful advantage in relation to the procurement or services provided or to be provided to the College,
3.2.1.3	Makes or offers any gift, gratuity, anything of value or other inducement, whether lawful or unlawful, to any of the College's officers, directors, employees, advisors or other representatives in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a College;
3.2.1.4	Accepts anything of value or an inducement that would or may provide financial gain, advantage or benefit in relation to procurement or services provided or to be provided to a College,
3.2.1.5	Pays or agrees to pay to any person any fee, commission, percentage, brokerage fee, gift or any other consideration, that is contingent upon or results from, the awarding of any RFQ, contract, right or entitlement which is in any way related to procurement or the rendering of any services to the College;
3.2.1.6	Has in the past engaged in any matter referred to above; or
3.2.1.7	Has been found guilty in a court of law on charges of fraud and/or forgery, regardless of whether or not a prison term was imposed and despite such a bidder, member or director's name(s) not specifically appearing on the List of Tender Defaulters kept at National Treasury.
3.3	Misrepresentation during the lifecycle of the contract
3.3.1	The audit firm should note that the terms of its Proposal will be incorporated in the proposed contract by reference and that the College relies upon the Proposal as a material representation in making an award to a successful Audit firm and in concluding an agreement with said audit firm.
3.3.2	It follows therefore that misrepresentations in the Proposal may give rise to service termination and a claim by the College against the audit firm notwithstanding the conclusion of the Service Level Agreement between the College and the audit firm for the provision of the service(s) in question. In the event of a conflict between the audit firm's proposal and the Service Level Agreement concluded between the parties, the contents of the Service Level Agreement will prevail.
3.4	Indemnity
3.4.1	If an audit firm breaches the conditions of this RFQ and as a result of that breach, the College incurs costs or damages (including, without limitation, the cost(s) of any investigations, procedural impairment, repetition of all- or any part of the RFQ evaluation process and/or enforcement of intellectual property rights or confidentiality obligations), the audit firm then indemnifies and holds the College harmless from any and all such costs which the College may incur and for any damages or losses the College may suffer.
3.5	Preparation cost
3.5.1	The audit firm will bear all its costs in preparing, submitting and presenting any response or audit firm to this RFQ and all other costs incurred by it throughout the process.
3.5.2	Furthermore, no statement in this RFQ will be construed as placing the College, its employees or agents under any obligation whatsoever, including in respect of costs, expenses or losses incurred by the audit firm in the preparation of their responses to this RFQ.
3.6	Precedence
3.6.1	This document will prevail over any information provided during any stage whether oral, electronically or written, unless such written information provided, expressly amends this document by reference.

3.7 Limitation of liability

- 3.7.1 An audit firm participates in this RFQ process entirely at its own risk and cost. The College shall not be liable to compensate the audit firm on any grounds whatsoever, for any costs incurred or any damages suffered as a result of the audit firm's participation in this RFQ process.

3.8 Tax compliance

- 3.8.1 No contract shall be awarded to any audit firm which is not tax compliant. The College reserves the right to withdraw an award made, or cancel a contract concluded with a successful audit firm in the event that it is established that such audit firm was in fact not tax compliant at the time of the award, or has submitted a fraudulent Tax Clearance Certificate to the College, or whose verification against the Central Supplier Database (CSD) proves non-compliant.
- 3.8.2 The College further reserves the right to cancel a contract with a successful audit firm in the event that such audit firm does not remain tax compliant for the full term of the contract.

3.9 RFQ defaulters and restricted suppliers

- 3.9.1 No contract shall be awarded to the audit firm whose name (or any of its members, directors, partners or trustees) appears on the Register of Tender Defaulters maintained by National Treasury, or who have been placed on National Treasury's List of Restricted Suppliers.
- 3.9.2 The College reserves the right to withdraw an award, or cancel a contract concluded with an audit firm should it be established, at any time, that an audit firm has been blacklisted with National Treasury by another organ of state.

3.10 Confidentiality

- 3.10.1 Throughout this RFQ process and thereafter, the audit firm must secure the College's written approval prior to the release of any information that pertains to (i) the potential work or activities to which this RFQ relates; or (ii) the process which follows this RFQ. Failure to adhere to this requirement may result in disqualification from the RFQ Evaluation process.

3.11 Proprietary information of the College

- 3.11.1 An audit firm will declare in their respective Proposals that they did not have access to any College proprietary information, or any other matter that may have unfairly placed that audit firm in a preferential position in relation to any of the other audit firm.

3.12 Copyright

- 3.12.1 All copyright and all intellectual property rights in respect of any documents and materials (works) developed by an audit firm during this project, will vest in the College.
- 3.12.2 The College will have the right to release the works under an appropriate copyright license, including an open licence that will allow any individual, official, company, agency or organisation to use or modify the works for any purpose as stated in the open licence.

3.13 Responsibility for sub-contractors and audit firm's personnel

- 3.13.1 An audit firm is responsible for ensuring that its personnel (including agents, officers, directors, employees, advisors and other representatives), its sub-contractors (if any) and personnel of its sub-contractors comply with all terms and conditions of this RFQ.
- 3.13.2 In the event that the College allows an audit firm to make use of sub-contractors, the actions and activities of such sub-contractors will at all times remain the responsibility of the audit firm and the College will not under any circumstances, be liable for any losses or damages incurred by or caused by such sub-contractors.

3.14 Service level agreement

- 3.14.1 Subsequent to the College's decision on awarding the contract, the successful audit firm may be required to sign a Service Level Agreement aimed at regulating the specific terms and conditions applicable to the services required by the College and as far as possible.
- 3.14.2 The College reserves the right to revise and amend any part of the proposed Service Level Indicators during the course of contract with the audit firm.
- 3.14.3 The College reserves the right to accept or reject additional service proposals, proposed by a successful audit firm.

3.15 Pricing

- 3.15.1 The price quoted must be a fixed price for the duration of the contract and must include all related costs (travel, accommodation, equipment and data communication). The expected time and cost per audit team member and the hourly tariffs of each team member must please be specified.
- 3.15.2 Price must be VAT inclusive and quoted in South African Rand.
- 3.15.3 Costing should be aligned with project activities / project phases.
- 3.15.4 Details of the cost/fee breakdown for all the services to be rendered must be submitted in a sealed envelope with the rest of the documentation.

3.16 Other important matters to note

- 3.16.1 The College reserves the right to conduct background/probity check on key management of the audit firm.
- 3.16.2 The College reserves the right to conduct due diligence exercises as part of evaluating the implementing capacity of the audit firm.
- 3.16.3 The recommended audit firm may be called to present to the evaluation committee before a final selection is made.
- 3.16.4 The College will not be liable to reimburse any costs incurred by the audit firm during this process.

- 3.16.5 Audit firm must identify and disclose any conflict or perceived conflict of interest caused by current assignments, relationships or other dealings, and indicate how such conflicts would be addressed.
- 3.16.6 Only one proposal per audit firm can be submitted and must indicate a (period) implementation.
- 3.16.7 A Project Management Team will be established to facilitate the smooth implementation of the project and to ensure that the objectives of the project are met. The Project Management Team will comprise officials from the College of Higher Education and Training, South African Institute of Chartered Accounts (SAICA) and the service provider. Meetings will be arranged as per approved project plan.
- 3.16.8 The service provider will report to the Principal of the College (or his/her delegate).
- 3.16.9 All correspondence including reports must be written in English.
- 3.17 Submission and timing
 - 3.17.1 The submission of the project implementation plan, and project charter shall be submitted to the College within 10 days after the commencement of the project for approval by the College Principal.
 - 3.17.2 Other reports shall be submitted as per the agreed project implementation plan.
 - 3.17.3 The College, shall within 15 days of receipt of deliverables, notify the audit firm /consultant/lead consultant/team leader of the approval or not of the deliverable.
 - 3.17.4 The College shall, within 30 days of receipt of the final report [whatever the final deliverable is], notify the audit firm/consultant/lead consultant/team leader of its decision concerning the final report [whatever the final deliverable is]. If the College does not give any comments on the final report [whatever the final deliverable is] within such time limit of 30 days, the final report [whatever the final deliverable is] shall be deemed to have been approved by the College if they do not expressly inform the audit firm/consultant/lead consultant/team leader of any comments or delays. New timeframes will then be negotiated between the service provider/consultant/lead consultant/team leader and the College.

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER: _____

NAME OF PERSON SIGNING BID: _____

CAPACITY UNDER WHICH THIS BID IS SIGNED: _____

(Proof of authority must be submitted e.g. company resolution)

DATE: _____ PLACE: _____

2. PRICING SCHEDULE

- a) The College requires bidders to provide a detailed price schedule in support of the declared price.
- b) Failure to have the Price Declaration of this tender document completed and signed, or signed by a duly authorised person, will constitute non-commitment by the Bidder, and the bid may be invalidated.
- c) A detailed price break-down of the Total Cost of Ownership (TCO) must be provided to support the Price Declaration of this tender.
- d) All prices must be quoted in South African Rands and be inclusive of all costs and applicable taxes (inclusive of Value Added Tax (VAT) etc.).
- e) The College reserves the right to only accept part of the submitted bid by a Bidder.

3. DECLARATION OF INTEREST**SBD 4**

1. Any legal person, including persons employed by the state¹, 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, shareholder²): _____

2.4 Company _____ Name: _____

2.5 Company _____ Registration _____ Number: _____

2.6 Tax Reference Number: _____

2.7 VAT Registration Number: _____

- 2.8 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.

¹"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.

²"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.

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

2.9.1 If so, furnish the following particulars:

2.9.2 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: _____

2.9.3 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**

2.9.3.1 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.)

2.9.3.2 If no, furnish reasons for non-submission of such proof: _____

2.10 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**

2.10.1 If so, furnish particulars: _____

2.11 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**

RFP REFERENCE NR: _____ NAME OF BIDDER: _____

2.11.1 If so, furnish particulars: _____

2.12 Are you, or any person connected with the bidder, 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?

YES/NO

2.12.1 If so, furnish particulars: _____

2.13 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES/NO

2.13.1 If so, furnish particulars: _____

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

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

RFP REFERENCE NR: _____ NAME OF BIDDER: _____

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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: _____

4. PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

SBD 6.1

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 The value of this bid is estimated to exceed R500 000 (all applicable taxes included) and therefore the ...80/20..... preference point system shall be applicable; *(Either the 80/20 or 90/10 preference point system will be applicable to this tender (delete whichever is not applicable for this tender)).*

- 1.3 Points for this bid shall be awarded for:
- (a) Price; and
 - (b) B-BBEE Status Level of Contributor.

- 1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	100

- 1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
- 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

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

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

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

Where

P_s = Points scored for price of bid under consideration
 P_t = Price of bid under consideration
 $P_{\min}$ = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

- 5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

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

6.1 B-BBEE Status Level of Contributor: 1= _____ (maximum 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:

Designated Group: An EME or QSE which is at last 51% owned by:	EME √	QSE √
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		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY / FIRM

8.1 Name of company/firm: _____

8.2 Company Registration Number: _____

8.3 Company Income Tax Number: _____

8.4 VAT registration number: _____

8.5 TYPE OF COMPANY/ FIRM

Y Partnership/Joint Venture / Consortium

RFP REFERENCE NR: _____ NAME OF BIDDER: _____

- ☐ One person business/sole propriety
☐ Close corporation
☐ Company
☐ (Pty) Limited
[TICK APPLICABLE BOX]

8.6 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES: _____

8.7 COMPANY CLASSIFICATION

- ☐ Manufacturer
☐ Supplier
☐ Professional service provider
☐ Other service providers, e.g. transporter, etc.
[TICK APPLICABLE BOX]

8.8 Total number of years the company/firm has been in business: _____

8.9 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. _____

of 21

SIGNATURE(S) OF BIDDERS(S)

5. DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**SBD 8**

- 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.**

Item	Question	Yes	No
4.1	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? (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). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	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)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		
4.3	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?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		

RFP REFERENCE NR: _____ NAME OF BIDDER: _____

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 ☐	No ☐
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: _____

6. CERTIFICATE OF INDEPENDENT BID DETERMINATION

SBD 9

1. This Standard Bidding Document (SBD) must form part of all bids¹ invited.
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).² 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:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² 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:

Gauteng CET College
(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
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 consortium³ 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.
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: _____

³ 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.

RFP REFERENCE NR: _____ NAME OF BIDDER: _____

7. Terms of Reference

Please Refer to Annexure advert attached