



TERMS OF REFERENCE – REQUEST FOR QUOTATIONS

RFQ SPECIFICATION FOR ACQUIRING A SUITABLY QUALIFIED SERVICE PROVIDER TO CONDUCT BOARD PERFORMANCE ASSESSMENT

Food & Beverages Manufacturing Sector Education and Training Authority's (FoodBev SETA) hereby invites all suitably qualified bidders to submit quotations to provide Board Performance Assessment:

Closing date of submission	21 April 2023
Closing time of submission	11h00
Quotes to be e-mailed to	scm@foodbev.co.za
All quotes must be valid for at least	90 days
Delivery address for the goods	7 Wessel Rd, Rivonia, Johannesburg.

All queries/ clarifications can be sent in writing, citing the bid reference above to the under-mentioned person before the closing date for the quote:

Queries address to	Lerato Nkabinde
Telephone Number: Landline	011 253 7380
e-mail address to send queries	leraton@foodbev.co.za

1. BACKGROUND

FoodBev SETA is a PFMA Schedule 3A Public Entity established in terms of the Skills Development Act 97 of 1998. FoodBev SETA is currently operating in Johannesburg at number 7 Wessel Rd, Rivonia, Sandton, 2128. FoodBev SETA's function is to promote, facilitate and incentivize skills development in the food and beverages manufacturing sector.

FoodBev SETA is one of 21 Sector Education and Training Authorities (SETAs) across the economy mandated to facilitate the delivery of skills development in the country in line with National Skills Development Plan (NSDP) outcomes.

2. PURPOSE

FoodBev SETA hereby seeks to appoint an experienced and reputable service provider to conduct Board Assessment services.



The service provider is required to conduct an assessment for the Board and its Sub-Committees to achieve the following:

- (i) Benchmark board performance against established best practice.
- (ii) Reflect on the role of the Board, its objectives and effectiveness.
- (iii) Create an opportunity to enhance Board effectiveness.
- (iv) Identify future development needs.

3. SPECIFICATION

The service provider will be expected to:

- 3.1. Facilitate and assist the Board (14-members) and Committees (four (4) sub-committees including 3 external independent members) to conduct a self-evaluation that is questionnaire based (excludes interviews);
- 3.2. The evaluation must be completed against accepted good corporate governance principles and practices, with understanding of the composition of the Accounting Authority of SETAs as per the Skills Development Act, and other relevant governance prescripts.
- 3.3. Provide reports (in a manner that ensures anonymity) that reflect the overall view of the members' opinion of the performance of the Board and Committees.
- 3.4. The report must further be a comprehensive advisory report which provides clear guidelines on the key focus areas of the assessment and provide recommendations for areas of improvement.
- 3.5. Provide a presentation on the findings of the evaluation and any additional advisory support to the Board.

4. ROLE PLAYERS

The Board Secretary will be the FoodBev SETA project lead who will be responsible for providing the service provider with all the required information.

5. EVALUATION CRITERIA

- 5.1. **Criteria 1: Compliance evaluation**– bidders will first be evaluated in terms of compliance, that is, meeting minimum requirements. Bidders who do not fulfil all the requirements or do not submit required documents using the required format, will be disqualified and not move onto the next stage of evaluations.
- 5.2. **Criteria 2: Functional criteria** – Functionality points are equal to 100 points. Bidders are required to achieve a minimum score of 75 points on functionality evaluations to qualify to be evaluated on BBEE & Price. All bidders who do not score the minimum points will be disqualified.
- 5.3. **Criteria 3: Price and Specific goals** will be evaluated on an 80/20 preferential procurement principle for all bids above R30 000 but below R50 million.

6. CRITERIA 1 - COMPLIANCE EVALUATION

- 6.1. Must be registered on the National Treasury CSD (Central Supplier database): A full report must be submitted.



- 6.2. Standard Bidding Documents (SBD) forms: (SBD 1, SBD 3.3, SBD 4, SBD 6.1, & SBD 7.2): completed and signed by the duly authorized person.
- 6.3. Tax clearance certificate and Pin.
- Failure to submit the above documents will result in the bidder being disqualified.

7. FUNCTIONALITY EVALUATION

Functional criteria		Weight
1. Capacity and Competency		30.00
The bidder must provide a minimum of 3 (three) relevant reference letters or testimonials for similar work done in a public or private sector environment in the last 5 (five) years. The reference letters must be on the bidder’s client’s letterhead, duly signed by the authorized person, reflecting the level of service and performance provided by the bidder:		
▪ At least two (2) reference letters	10.00	
▪ At least three (3) reference letters	30.00	
2. Project Team experience		Weight
The bidder must provide short profiles of the project team clearly highlighting skills and experience in providing similar services. The CV must demonstrate a minimum of 5 years’ experience in executing project of similar nature and at least (minimum), honours degree in Business Management/ Governance or related field of study (provide certified copy of qualification as evidence).		25.00
2.1. Experience:		
▪ No experience	0.00	
▪ Five (5) years with required qualifications and membership	15.00	
2.2. Qualifications:		
▪ No honours degree or equivalent NQL Level 8 qualification	0.00	
▪ At least an Honours degree or equivalent NQF level 8 qualification or more	10.00	
3. Qualifications and experience of the project lead		Weight
The bidder must provide the Project Manager ISO 21500 certification or similar professional accreditation.		15.00
ISO 21500 certification or similar professional accreditation.	15.00	
No ISO 21500 certification or similar professional accreditation.	0.00	
4. Project Plan and Implementation Methodology		Weight
The bidder must clearly demonstrate their understanding of the project and scope of work, by submitting:		30.00
4.1. Proposal outlining how the bidder will assess the Board from inception to finalisation and reporting (execution of the project)		
4.2. A project implementation plan outlining envisaged timelines of execution of the project (details of how the different pieces of work will be implemented, in an integrated and seamless manner)		



Exceptional		
<ul style="list-style-type: none">▪ Extraordinary, more than satisfactory detailed proposal indicating how board will be assessed, project plan, project timeframes and order of project activities, and indication of an execution/implementation plan.▪ All elements exceptionally covered in the bidder's proposal and more than complied to all requirements of the scope of works.	30.00	
Good		
<ul style="list-style-type: none">▪ Acceptable project plan, project timeframes and order of project activities, and indication of an execution/implementation plan.▪ All elements merely covered in the bidder's proposal and complied to all requirements of the scope of works.	20.00	
Below Average		
<ul style="list-style-type: none">▪ Unimpressive project plan, limited project timeframes and order of project activities, and some indication of an execution/implementation plan.▪ All elements not adequately covered in the bidder's proposal and not sufficiently expressed compliance to all requirements of the scope of works.	10.00	
Poor		
<ul style="list-style-type: none">▪ Not all items are covered and/or poorly presented▪ Not all elements covered in the bidder's proposal and not compliant to all requirements of the scope of works.	0.00	
Total	100.00	100.00

Note: the minimum score for functionality is 75 points.

- Please note that the Evaluation Committee will use their own discretion to assess quality of all bid proposals received in relation to above functionality criteria and may further verify information submitted from relevant sources/your clients and use their own discretion to score the bidders proposal accordingly.
- It is the responsibility of the bidder to seek clarity by enquiry before submission of the final bid, where the criteria are construed to be ambiguous or confusing. Should there be a difference of interpretation between the bidders and FoodBev SETA, the SETA reserves the right to make a final ruling on such interpretation.
- FoodBev SETA may request clarification or additional information regarding any aspect of the tender document or proposal submitted. The bidders must supply the requested information within twenty-four (24) hours after receipt of a written request from supply chain office. Failure to submit such information may result in disqualification or non-award of functionality points.



8. PREFERENCE POINTS ALLOCATION

- 8.1. 80/20 preference point system for acquisition of goods or services for Rand value equal to or above R30 000 and up to R50 million as follows:

CRITERIA	MEANS OF VERIFICATION	POINTS
Price	Proposed Bid Price	80,00
Preference Points	Specific Goals	20,00
Total Points		100,00

- 8.1.1. The following allocation will determine the specific goals (20.00 points) for this tender process:

Category	% Allocation for each category	Points allocated
Black People Ownership	50%	10,00
Woman Ownership	50%	10,00
Total	100%	20,00

9. PRICING SCHEDULE:

- 9.1. Prospective bidders should comply with the below pricing schedule:

#	Description	Number of Hours	Rate	Total
1	Conduct Board Performance Assessment <ul style="list-style-type: none">• Board• Executive Committee• Governance and Strategy Committee• Finance and Remuneration Committee• Audit and Risk Committee			
2	Other costs (detail all other costs)			
TOTAL				

10. CONDITIONS OF CONTRACT

The successful service provider undertakes:

- 10.1. To treat all relevant and available data and/or information provided by the FoodBev SETA and its employees strictly confidential;
- 10.2. Not to discuss or make any information available to any member of the public, press or other service provider/consultant or any other unauthorized person(s) except as authorized by the FoodBev SETA;
- 10.3. Not to copy or duplicate any software or documentation for private use;
- 10.4. To give back to the FoodBev SETA all documentation, reports, programmes etc. upon completion of the project;
- 10.5. General conditions of tender, contracts and orders will be applicable in the execution of the contract;
- 10.6. Parking and travel between the prospective service provider's home/office and the FoodBev SETA will be borne by the Service Provider;



- 10.7. Failure to adhere to the above conditions will lead to the invalidation of the quotation;
- 10.8. The FoodBev SETA reserves the right to discontinue work on any element of the quotation at any given time in consultation with the Senior Manager: Human Resources of the FoodBev SETA, for example the quality of work delivered is poor or the service provider is unduly delaying delivery of service;
- 10.9. Enter into a Service Level Agreement with the FoodBev SETA before the final acceptance of the tender proposal.
- 10.10. The Contract/SLA may be finalized within a period of maximum of five (5) working days for signature before commencement of the work. Bidders must note that FoodBev SETA contracts are vetted by outsourced lawyers therefore it is important to note that it is the responsibility of the bidder to also vet their contract before signing it off.

11. IMPORTANT INFORMATION TO NOTE - GUIDELINES

11.1. Disclosures

- a) Bidder to disclose if they have been subject to proceedings or other arrangements relating to bankruptcy or insolvency

12. DISCLAIMER

- 12.1. FoodBev SETA reserves the right not to appoint a service provider
- 12.2. Not to appoint a bid that scored the highest points i.e. award a bid, on reasonable and justifiable grounds, to a bidder that did not score the highest points
- 12.3. Award the contract or any part thereof to one or more service providers
- 12.4. Reject all bids
- 12.5. Decline to consider any bids that do not conform to any aspect of the bidding requirements
- 12.6. Request further information from any bidder after closing date for clarity purposes
- 12.7. Cancel this RFQ or any part thereof at any time
- 12.8. Require the shortlisted bidders to make presentations at the venue communicated with the bidder and this presentation will be made by bidder at their own cost
- 12.9. Points scored will be rounded to 2 decimals
- 12.10. FoodBev SETA does not communicate with any bidders telephonically indicating that the bidder will be assisted to receive the award in return of financial resources. FoodBev SETA does not request bribes from any of the bidders and should a bidder receive such request, please that bidder must immediately notify FoodBev SETA and the police.

13. CONFIDENTIALITY

- 13.1. Bids submitted will not be revealed to any other bidders and will be treated with utmost confidentiality
- 13.2. All information pertaining to FoodBev SETA obtained by the bidder as a result of participation in this RFQ is confidential and must not be disclosed without written authorisation from the FoodBev SETA
- 13.3. The project lead will abide by FoodBev SETA Code of Conduct and all laws, rules and regulations that govern the SETA

14. MISCELLANEOUS

- 14.1. The service provider should include any additional information deemed useful to the FoodBev SETA in evaluating the proposal.



15. NEGOTIATIONS

- 15.1.** FoodBev SETA will enter into negotiations to agree on fees, scope of work, scope of service, and other salient commercial terms with the preferred bidder.

16. VALIDITY

- 16.1.** The proposal provided to FoodBev SETA in terms of this request for quotations will be valid for a period of 90 days from the date of submission with the exception of the Tax and B-BBEE certificates which must still be valid at the time of award.
- 16.2.** Should there be a need to request extension of the finalization of the award of the bid, the bidders will be duly informed, and the tender/proposal will remain valid except for items mentioned above.

17. CONDITIONS OF PAYMENT

- 17.1.** No service should be provided to FoodBev SETA before an official purchase order has been issued to the supplier. An invoice supported by all relevant documentation must be submitted to FoodBev SETA for certification and authorization before payment can be made. Invoices will be payable 30 days after receipt of the invoice and statement.

18. COST OF TENDERING/ PROVIDING QUOTATIONS

- 18.1.** The bidders shall bear all costs and expenses associated with the preparation and submission of the tender document/proposal. FoodBev SETA shall under no circumstances be responsible and/or liable for any such costs, regardless of, and without limitation to the conduct or outcome of the tendering, evaluation and selection process. The bidder will have no claim against FoodBev SETA where bids are cancelled for whatever reason.

19. UNSUCCESSFUL BIDDERS

- 19.1.** Please note FoodBev SETA decision on the selection of the successful bidder is final and FoodBev will not enter into any further correspondence and/or negotiations with any unsuccessful bidder.

20. PROCEDURES FOR SUBMITTING QUOTATIONS

- 20.1.** The closing date for proposals is **21 April 2023 @ 11h00**.
Suppliers must reach the FoodBev SETA before or on the closing date and time.
Bidders must email a soft copy of their proposal to: scm@foodbev.co.za.



PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE FOOD & BEVERAGES MANUFACTURING SECTOR EDUCATION AND TRAINING AUTHORITY (FOODBEV SETA)							
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	11:00 am		
DESCRIPTION							
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT 07 WESSEL ST, RIVONIA, SANDTON, 2128							
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACT PERSON				CONTACT PERSON			
TELEPHONE NUMBER				TELEPHONE NUMBER			
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS				E-MAIL ADDRESS			
SUPPLIER INFORMATION							
NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS							
TELEPHONE NUMBER	CODE			NUMBER			
CELLPHONE NUMBER							
FACSIMILE NUMBER	CODE			NUMBER			
E-MAIL ADDRESS							
VAT REGISTRATION NUMBER							
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:			OR	CENTRAL SUPPLIER DATABASE No:	MAAA	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No			B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]							
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]			ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS							
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO							
DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO							
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO							
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO							
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> YES <input type="checkbox"/> NO							
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.							

PART B TERMS AND CONDITIONS FOR BIDDING



www.foodbev.co.za



+27 11 253 7300



info@foodbev.co.za

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g. company resolution)

DATE:

SBD 3.3

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER: BID NO.:



www.foodbev.co.za



+27 11 253 7300



info@foodbev.co.za

CLOSING TIME 11:00

CLOSING DATE:

OFFER TO BE VALID FORDAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY *** (ALL APPLICABLE TAXES INCLUDED)
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- The accompanying information must be used for the formulation of proposals.
- Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project. R.....
- PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

4. PERSON AND POSITION	HOURLY RATE	DAILY RATE
	R.....	R.....
	R.....	R.....
	R.....	R.....
	R.....	R.....
	R.....	R.....

- PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

R.....days
R.....days
R.....days
R.....days

- Travel expenses (specify, for example rate/km and total km, class of air travel, etc.). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF THE EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
	R.....		R.....
	R.....		R.....
	R.....		R.....
	R.....		R.....
	TOTAL	

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

- Other expenses, for example accommodation (specify, e.g. Three-star hotel, bed and breakfast, telephone cost, reproduction



cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF THE EXPRENSSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
	R.....		R.....
	R.....		R.....
	R.....		R.....
	R.....		R.....
	TOTAL		

6. Period required for commencement with project after acceptance of bid
7. Estimated man-days for completion of project
8. Are the rates quoted firm for the full period of contract?

*YES/NO
9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index

SBD 4

BIDDER’S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South

Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1. Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

2.1.1. If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2. Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1. If so, furnish particulars:

.....
.....

2.3. Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....
.....

3. DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

3.1. I have read and I understand the contents of this disclosure;

3.2. I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

3.3. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or

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



consortium² will not be construed as collusive bidding.

- 3.4. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.5. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.6. There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.7. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

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



- 1.1 The following preference point systems are applicable to invitations to tender:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the 90/10 preference point system.
- b) The applicable preference point system for this tender is the 80/20 preference point system.
- c) Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

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

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10



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

Where

- P_s = Points scored for price of tender under consideration
 P_t = Price of tender under consideration
 P_{min} = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

- P_s = Points scored for price of tender under consideration
 P_t = Price of tender under consideration
 P_{max} = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the tenderer)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
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		the organ of state)		

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.



<p>.....</p> <p>SIGNATURE(S) OF TENDERER(S)</p>	
SURNAME AND NAME:
DATE:
ADDRESS:

SBD 7.2

CONTRACT FORM - RENDERING OF SERVICES

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid .
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);



- Filled in task directive/proposal;
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
- (ii) General Conditions of Contract; and
- (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES

1

2

DATE:

