



**KWAZULU-NATAL  
LEGISLATURE**

AN ACTIVIST PEOPLE-CENTRED LEGISLATURE

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Pietermaritzburg, 3201  
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Pietermaritzburg, 3200  
[www.kznlegislature.gov.za](http://www.kznlegislature.gov.za)

**DESCRIPTION: APPOINTMENT OF A SERVICE PROVIDER FOR THE IMPLEMENTATION OF THE ENTERPRISE RESOURCE PLANNING (ERP) FOR NINE (9) MONTHS AND SUPPORT AND MAINTENANCE FOR THIRTY-SIX (36) MONTHS.**

Bid No. : **KZNL 3/2022**

COMPANY NAME : \_\_\_\_\_

Registration No. \_\_\_\_\_

**Type of Bidder (Tick One Box)**

One-person Business/Sole Trader	<input type="checkbox"/>
Close corporation	<input type="checkbox"/>
PTY (Ltd)	<input type="checkbox"/>
Private Company	<input type="checkbox"/>
Partnership	<input type="checkbox"/>
Consortium/Joint Venture	<input type="checkbox"/>
Co-operative	<input type="checkbox"/>

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**RETURN OF PROPOSAL**

The proposal must be deposited in the **Bid box situated at Ground Floor, KZN Legislature, 244 Langalibalele Street PIETERMARITZBURG 3201** The Senior Manager: Supply Chain Management.

## KWAZULU-NATAL LEGISLATURE

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## SECTION A

### INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF  
THE KWAZULU-NATAL LEGISLATURE

BID NUMBER:	<b>KZNL 3/2022</b>	COMPULSORY BRIEFING SESSION	<b>03 MARCH 2022</b>	CLOSING DATE:	<b>15 MARCH 2022</b>	CLOSING TIME:	<b>11:00</b>
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**DESCRIPTION: APPOINTMENT OF A SERVICE PROVIDER FOR THE IMPLEMENTATION OF THE ENTERPRISE RESOURCE PLANNING (ERP) FOR NINE (9) MONTHS AND SUPPORT AND MAINTENANCE FOR THIRTY-SIX (36) MONTHS.**

CONTRACT PERIOD: Implementation for nine months, and support & Maintenance for thirty-six months

VALIDITY PERIOD: 120 DAYS

**A tender briefing session will be held on 03 March 2022 at 10h00 via Microsoft teams. Interested bidders are requested to forward their email addresses and the name of the company to [tenders@kznleg.gov.za](mailto:tenders@kznleg.gov.za) by 02 March 2022.**

**The successful bidder will be required to fill in and sign a written Contract Form (SBD 13.1 or 13.2) depending on the nature of the supply/service**

<p><b>BID DOCUMENTS MAY BE POSTED TO:</b> The Head SCM Unit, KZN Legislature Private Bag 9112 Pietermaritzburg, 3200</p>	<p><b>NOTE: THE POST IS CLEARED FROM THE PIETERMARITZBURG POST OFFICE BEFORE 10:00 ON DUE DATE</b></p>
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**OR**

<p><b>BID DOCUMENTS DELIVERED BY HAND MUST BE DEPOSITED IN THE BID BOX SITUATED AT:</b> Ground Floor, KZN Legislature 244 Langalibalele Street PIETERMARITZBURG 3201</p>	<p><b>THE BID BOX IS AVAILABLE ON THE FOLLOWING DAYS AND TIME:</b> <b>MONDAY TO FRIDAY (EXCLUDING PUBLIC HOLIDAYS)</b> <b>08:00 TO 16:00</b></p>
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**Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.**

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

THE FOLLOWING PARTICULARS MUST BE FURNISHED  
(FAILURE TO DO SO WILL RESULT IN YOUR BID BEING DISQUALIFIED)

NAME OF BIDDER \_\_\_\_\_

POSTAL ADDRESS \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_

TELEPHONE NUMBER \_\_\_\_\_ CODE \_\_\_\_\_ NUMBER \_\_\_\_\_

CELLPHONE NUMBER \_\_\_\_\_

FACSIMILE NUMBER CODE \_\_\_\_\_ NUMBER \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

VAT REGISTRATION NUMBER \_\_\_\_\_

**CENTRAL SUPPLIER DATABASE (CSD) NO.** \_\_\_\_\_

HAS A VALID TAX CLEARANCE CERTIFICATE AND PIN BEEN SUBMITTED? (Section B) YES  NO

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (Section F) YES  NO   
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

**[TICK APPLICABLE BOX]**

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA).....

A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS); OR.....

A REGISTERED AUDITOR .....

**(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE 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]**

SIGNATURE OF BIDDER .....

DATE .....

CAPACITY UNDER WHICH THIS BID IS SIGNED .....

**TOTAL BID PRICE: R** \_\_\_\_\_

**BID PRICE IN WORDS:** \_\_\_\_\_

**ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE(SCM) MAY BE DIRECTED TO:**

**Contact Person:** Mr N Ngcamu  
**Tel:** 033 355 7548 /060 569 2722  
**E-mail address:** [ngcamun@kznleg.gov.za](mailto:ngcamun@kznleg.gov.za)

**ANY ENQUIRIES REGARDING THE TECHNICAL SPECIFICATION MAY BE DIRECTED TO:**

**Contact Person:** Mr N Zulu  
**Tel:** 082 386 0878  
**E-mail address:** [ZULUN@kznleg.gov.za](mailto:ZULUN@kznleg.gov.za)

## SECTION B

## SPECIAL INSTRUCTIONS AND NOTICES TO BIDDERS REGARDING THE COMPLETION OF BIDDING FORMS

1. Unless inconsistent with or expressly indicated otherwise by the context, the singular shall include the plural and visa versa and with words importing the masculine gender shall include the feminine and the neuter.
2. Under no circumstances whatsoever may the bid forms be retyped or redrafted.
3. Photocopies of the original bid documentation may be used, but an original signature must appear on such photocopies.
4. The bidder is advised to check the number of pages and to satisfy himself that none are missing or duplicated.
5. Bids submitted must be complete in all respects. (All sections must be completed).
6. Bids shall be lodged at the address indicated not later than the closing time specified for their receipt, and in accordance with the directives in the bid documents.
7. Each bid shall be addressed in accordance with the directives in the bid documents and shall be lodged in a separate sealed envelope, with the name and address of the bidder, the bid number and closing date indicated on the envelope. The envelope shall not contain documents relating to any bid other than that shown on the envelope. If this provision is not complied with, such bids may be rejected as being invalid.
8. All bids received in sealed envelopes with the relevant bid numbers on the envelopes are kept unopened in safe custody until the closing time of the bids. Where, however, a bid is received open, it shall be sealed. If it is received without a bid number on the envelope, it shall be opened, the bid number ascertained, the envelope sealed and the bid number written on the envelope.
9. A specific box is provided for the receipt of bids, and no bid found in any other box or elsewhere subsequent to the closing date and time of bid will be considered.
10. No bid sent through the post will be considered if it is received after the closing date and time stipulated in the bid documentation, and proof of posting will not be accepted as proof of delivery.
11. No bid submitted by telefax, telegraphic or other electronic means will be considered.
12. Bidding documents must not be included in packages containing samples. Such bids may be rejected as being invalid.
13. Any alteration made by the bidder must be initialled.
14. Use of pencil and correcting fluid is prohibited.
15. Bids will be opened in public as soon as practicable after the closing time of bid.
16. Where practical, prices are made public at the time of opening bids.
17. If it is desired to make more than one offer against any individual item, such offers should be given on a photocopy of the page in question. Clear indication thereof must be stated on the schedules attached.
18. All consortia/joint ventures must submit individual company valid Tax Clearance Tax Clearance Certificates and pin. (Where required, individual company profiles must be included). Please also refer to Annexure D - para. 2.3 regarding B-BBEE Status Level Certificates.
19. If a **compulsory briefing session/site inspection** is held, the bid document must be stamped and signed at the session. Failure to comply will render the bid disqualified at the time of closure of the bid.
20. The Legislature is not bound to accept any of the proposals submitted and reserves the right to cancel the bid at any time and to call for the best and final offers from shortlisted bidders before final selection.
21. The Legislature reserves the right to call for presentations/interviews with shortlisted bidders before final selection.
22. Only bids that were submitted with a valid Tax Clearance pin **status** will be considered for appointment.
23. The Legislature reserves the right to appoint more than one service provider.
24. Prices will be deemed as firm for the first year and subject to statutory price increases. (**Note:** Any price escalation will be subjected to approval by the Legislature and will only be affected after the first completed year)
25. All bidders must attach all required annexures.
26. Bidding documents must be completed in accordance to the conditions and bidding rules contained therein.
27. The lowest or any proposal will not necessarily be accepted and the KZN Legislature reserves the right not to consider any proposal, not suitably endorsed or comprehensively completed, as well as the right to accept a proposal in whole or in part.
28. Registration on National Treasury's Central supplier Database (CSD) is compulsory. For more information on how to register go to [www.csd.gov.za](http://www.csd.gov.za) . Failure to submit a CSD supplier registration report will result in the disqualification of proposals.
29. **Appointment will be subject to positive outcome of the screening by SSA**

## SECTION C (SBD 2)

### TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

1. In order to meet this requirement bidders are required to complete in full the TCC 001 form. "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
2. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
3. The Tax Clearance Certificate and CSD must be submitted together with the bid.
4. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
5. Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).
6. Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za).

Jeyrel:\Mdk416-SBD2 tax clearance

**I HAVE READ, UNDERSTOOD AND COMPLY WITH THE SPECIAL INSTRUCTIONS ABOVE:**

\_\_\_\_\_  
**SURNAME AND INITIALS OF COMPANY REPRESENTATIVE**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**SIGNATURE**

COMPANY OFFICIAL STAMP

**SBD 3-Pricing Schedule**

(Professional Services)

OFFER TO BE VALID FOR 120 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO DESCRIPTION BID PRICE IN RSA CURRENCY

\*\*(ALL APPLICABLE TAXES INCLUDED)

1. The accompanying information must be used for the formulation of proposals.
2. 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.
3. 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

- (a)----- R-----
- (b)----- R-----
- (c)----- R-----
- (d)----- R-----
- (e)----- R-----

5. 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

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

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT		

TOTAL: R.....

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

5.2 Other expenses, for example accommodation (specify, eg. 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 EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT

Contingency amount .....

TOTAL: BID PRICE INCLUDING VAT R.....

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.

.....

.....

\*[DELETE IF NOT APPLICABLE]

## SECTION D (SBD 4)

### DECLARATION OF INTEREST

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 an advertised competitive bid, a limited bid, a proposal or written price quotation). 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: .....

Of (Company Name).....

2.2 Identity Number:.....

2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>, member): .....

2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust: .....

2.5 Tax Reference Number: .....

2.6 VAT Registration Number: .....

2.6.1 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

2.7.1 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 attach 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, 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

2.10.1 If so, furnish particulars.  
.....  
.....  
.....

2.11 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

2.11.1 If so, furnish particulars:  
.....  
.....  
.....



## SECTION E (SBD6.1)

### 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 The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 Preference point system shall be applicable; or
- 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.



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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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
	√	√
<b>Black people</b>		
<b>Black people who are youth</b>		
<b>Black people who are women</b>		
<b>Black people with disabilities</b>		
<b>Black people living in rural or underdeveloped areas or townships</b>		
<b>Cooperative owned by black people</b>		
<b>Black people who are military veterans</b>		
<b>OR</b>		
<b>Any EME</b>		
<b>Any QSE</b>		

**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.

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p> <p>.....</p>
--



**SECTION F**  
**CONDITIONS OF BID**

1. I/We hereby bid to supply all or any of the supplies and/or to render all or any of the services described in the attached documents to the KwaZulu-Natal Legislature (hereinafter called the "Legislature") on the terms and conditions and be in accordance with the specifications stipulated in the bid documents (and which shall be taken as part of and be incorporated into this bid) at the prices and on the terms regarding time for delivery and/or execution inserted therein.
2. I/we agree that:
  - (a) the offer herein shall remain binding upon me and open for acceptance by the Legislature during the validity period indicated and calculated from the closing time of the bid;
  - (b) this bid and its acceptance shall be subject to SCM Regulations issued in terms of the Financial Management of Parliament Act, the KwaZulu-Natal Legislature's Supply Chain Management Policy, the Treasury Practice Notes, and the General Conditions of Contract, with which I/we am fully acquainted;
  - (c) if I/we withdraw my bid within the period for which I/we have agreed that the bid shall remain open for acceptance, or fail to fulfil the contract when called upon to do so, the Legislature may, without prejudice to its other rights, agree to the withdrawal of my bid or cancel the contract that may have been entered into between me and the Province. I/we will then pay to the Legislature any additional expenses incurred by the Legislature having either to accept any less favourable bid or, if fresh bids have to be invited, the additional expenditure incurred by the invitation of fresh bids and by the subsequent acceptance of any less favourable bid. The Legislature shall have the right to recover such additional expenditure by set-off against monies which may be due to me under this or any other bid or contract or against any guarantee or deposit that may have been furnished by me or on my behalf for the due fulfilment of this or any other bid or contract and pending the ascertainment of the amount of such additional expenditure to retain such monies, guarantee or deposit as security for any loss the Legislature may sustain by reason of my default;
  - (d) if my bid is accepted, the acceptance may be communicated to me by registered post, and that the South African Post Office Limited shall be treated as delivery agent to me;
  - (e) the law of the Republic of South Africa shall govern the contract created by the acceptance of my bid and I choose *domicilium citandi et executandi* in the Republic at (full physical address) :  
.....  
.....
3. I/we furthermore confirm that I/we have satisfied myself as to the correctness and validity of my bid: that the price(s), rate(s) and preference quoted cover all of the work/item(s) and my obligations under a resulting contract, and I accept that any mistakes regarding the price(s) and calculations will be at my risk.
4. I/we hereby accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement, as the Principal(s) liable for the due fulfilment of this contract.
5. I/we agree that any action arising from this contract may in all respects be instituted against me and I/we hereby undertake to satisfy fully any sentence or judgement which may be pronounced against me as a result of such action.
6. I/we confirm that I/we have declared all and any interest that I or any persons related to my business has with regard to this bid or any related bids by completion of the Declaration of Interest Section.

**6. CERTIFICATION OF CORRECTNESS OF INFORMATION SUPPLIED IN THIS DOCUMENT**

I/we, THE UNDERSIGNED, WHO WARRANT THAT I AM DULY AUTHORISED TO DO SO ON BEHALF OF THE BIDDER, CERTIFY THAT THE INFORMATION SUPPLIED IN TERMS OF THIS DOCUMENT IS CORRECT AND TRUE, THAT THE SIGNATORY TO THIS DOCUMENT IS DULY AUTHORISED AND ACKNOWLEDGE THAT:

- (1) The bidder will furnish documentary proof regarding any bidding issue to the satisfaction of the Province, if requested to do so.
- (2) If the information supplied is found to be incorrect and/or false then the Province, in addition to any remedies it may have, may:-
  - a) Recover from the contractor all costs, losses or damages incurred or sustained by the Legislature as a result of the award of the contract, and/or
  - b) Cancel the contract and claim any damages which the Legislature may suffer by having to make less favourable arrangements after such cancellation.

**SIGNED ON THIS ..... DAY OF ..... 20 ..... AT .....**

.....  
**SIGNATURE OF BIDDER OR DULY  
AUTHORISED REPRESENTATIVE**

.....  
**FULL NAME (IN BLOCK LETTERS)**

**ON BEHALF OF (BIDDER'S NAME) .....**

**CAPACITY OF SIGNATORY .....**

**NAME OF CONTACT PERSON (IN BLOCK LETTERS).....**

**POSTAL ADDRESS**  
.....  
.

.....**POSTAL CODE.....**

**TELEPHONE NUMBER:** .....

**FAX NUMBER:** .....

**CELL PHONE NUMBER:** .....

**E-MAIL ADDRESS:** .....

**SECTION G  
AUTHORITY TO SIGN A BID**

**A. COMPANIES**

If a Bidder is a company, a certified copy of the resolution by the board of directors, personally signed by the chairperson of the board, authorising the person who signs this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the company must be submitted with this bid, that is before the closing time and date of the bid

**AUTHORITY BY BOARD OF DIRECTORS**

By resolution passed by the Board of Directors on ..... 20.....,  
Mr/Mrs .....whose  
signature appears below) has been duly authorised to sign all documents in connection with this  
bid on behalf of (Name of Company).....

**IN HIS/HER CAPACITY AS:** .....

**SIGNED ON BEHALF OF COMPANY:**

.....  
(PRINT NAME)

**SIGNATURE OF SIGNATORY:** ..... **DATE:** .....

**WITNESSES:** 1 .....  
2 .....

**B. SOLE PROPRIETOR (ONE - PERSON BUSINESS)**

I, the undersigned..... hereby confirm that I am the  
sole owner of the business trading as .....

**SIGNATURE**..... **DATE**.....

**C. PARTNERSHIP**

The following particulars in respect of every partner must be furnished and signed by every partner:

Full name of partner	Residential address	Signature
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

We, the undersigned partners in the business trading as.....  
 hereby authorise ..... to sign this bid as well as any contract  
 resulting from the bid and any other documents and correspondence in connection with this bid and  
 /or contract on behalf of (*company name*) .....

.....	.....	.....
<b>SIGNATURE</b>	<b>SIGNATURE</b>	<b>SIGNATURE</b>
.....	.....	.....
<b>DATE</b>	<b>DATE</b>	<b>DATE</b>

**D. CLOSE CORPORATION**

In the case of a close corporation submitting a bid, **a certified copy** of the Founding Statement of such corporation shall be included with the bid, together with the **resolution by its members authorising a member** or other official of the corporation to sign the documents on their behalf.

By resolution of members at a meeting on ..... 20..... at .....

..... Mr/Ms....., whose signature appears below, has been authorised to sign all documents in connection with this bid on behalf of

(Name of Close Corporation) .....

SIGNED ON BEHALF OF CLOSE CORPORATION: .....  
 (PRINT NAME)

IN HIS/HER CAPACITY AS ..... DATE: .....

SIGNATURE OF SIGNATORY: .....

WITNESSES: 1 ..... WITENSS:- 2 .....

**E. CO-OPERATIVE**

A certified copy of the Constitution of the co-operative must be included with the bid, together with the resolution by its members authoring a member or other official of the co-operative to sign the bid documents on their behalf.

By resolution of members at a meeting on ..... 20..... at .....

Mr/Ms....., whose signature appears below, has been authorised to sign all documents in connection with this bid on behalf of (Name of cooperative).....

SIGNED ON BEHALF OF CO-PERATIVE:.....  
(PRINT NAME)

IN HIS/HER CAPACITY AS:.....DATE:.....

SIGNATURE OF AUTHORISED REPRESENTATIVE/SIGNATORY: .....

WITNESSES: 1 ..... WITENSS:- 2 .....

**F. CONSORTIUM**

If a bidder is a consortium, a certified copy of the resolution/agreement passed/reached signed by the duly authorised representatives of concerned enterprises, authorising the representatives who sign this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the consortium must be submitted with this bid, before the closing time and date of the bid.

**AUTHORITY TO SIGN ON BEHALF OF THE CONSORTIUM**

By resolution/agreement passed/reached by the consortium on ..... 20 .....

Mr/Mrs.....

(whose signature appear below) have been duly authorised to sign all documents in connection with this bid on behalf of:(Name of Consortium) .....

SIGNED ON BEHALF OF CLOSE CORPORATION: .....  
(PRINT NAME)

IN HIS/HER CAPACITY AS ..... DATE: .....

SIGNATURE OF SIGNATORY: .....

WITNESSES: 1 ..... WITNESS: - 2.....

**G. JOINT VENTURE**

If a bidder is a joint venture, a certified copy of the resolution/agreement passed/reached signed by the duly authorised representatives of the enterprises, authorising the representatives who sign this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the joint venture must be submitted with this bid, before the closing time and date of the bid.

**AUTHORITY TO SIGN ON BEHALF OF THE JOINT VENTURE**

By resolution/agreement passed/reached by the joint venture partners on.....20.....

Mr/Mrs.....,Mr/Mrs.....,

Mr/Mrs.....and Mr/Mrs.....

(whose signatures appear below) have been duly authorised to sign all documents in connection with this bid on behalf of:(Name of Joint Venture).....

IN HIS/HER CAPACITY AS: .....

SIGNED ON BEHALF OF (COMPANY NAME): .....  
(PRINT NAME)

SIGNATURE :..... DATE: .....

IN HIS/HER CAPACITY AS:.....

SIGNED ON BEHALF OF (COMPANY NAME): .....  
(PRINT NAME)

SIGNATURE :..... DATE: .....

IN HIS/HER CAPACITY AS:.....

SIGNED ON BEHALF OF (COMPANY NAME): .....  
(PRINT NAME)

SIGNATURE :..... DATE: .....

IN HIS/HER CAPACITY AS:.....

SIGNED ON BEHALF OF (COMPANY NAME): .....  
(PRINT NAME)

SIGNATURE :..... DATE: .....

IN HIS/HER CAPACITY AS:.....

## SECTION H (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-
- 4 abused the institution's supply chain management system; committed fraud or any other improper conduct in relation to such system; or failed to perform on any previous contract.
- 5 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?  <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> 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 pg	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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)? <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>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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 <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

\_\_\_\_\_  
Company Name

**SECTION I (SBD 9)**  
**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> 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).<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.

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
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.
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**

<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.

## SECTION J

### SPECIAL CONDITIONS OF CONTRACT

#### 1. ACCEPTANCE OF BID

- 1.1 The KwaZulu-Natal Legislature's (KZN Legislature's) Bid Adjudication Committee is under no obligation to accept the lowest or any bid.
- 1.2 The financial standing of bidders and their ability to manufacture or to supply goods or render services may be examined before their bids are considered for acceptance.

#### 2. APPEALS/OBJECTIONS

- 2.1 Entities aggrieved by a decision of a KZN Legislature Bid Adjudication Committee or a delegate of an accounting officer, may appeal to the Accounting Officer in the prescribed manner by the Supply Chain Management Policy or submit their grievance to the High Court.

#### 3. AMENDMENT OF CONTRACT

- 3.1 Any amendment to or renunciation of the provisions of the contract shall at all times be done in writing and shall be signed by both parties subject to the Legal Services screening the amendment before it is signed.

#### 4. BID PRICING

Bid prices reflected, will be taken as firm for the duration of the contract and will only be subject to statutory increases.

#### 5. CHANGE OF ADDRESS

- 5.1 Bidders must advise the KwaZulu-Natal Legislature should their address (*domicilium citandi et executandi*) details change from the time of bidding to the expiry of the contract.

#### 6. COMMUNICATION

- 6.1 All correspondence with regard to this bid must be addressed or hand delivered to the:

HEAD OF SUPPLY CHAIN MANAGEMENT  
KZN LEGISLATURE  
PRIVATE BAG X 9112  
PIETERMARITZBURG  
3200

#### 7. COMPLETION OF SPECIFICATION

- 7.1 Where specifications are designed in such a way that responses would be required from bidders, these forms must be completed and submitted as part of the bid document.

#### 8. COMPLETENESS OF BID

- 8.1. Bids will only be considered if correctly completed and accompanied by all relevant certificates and other necessary applicable information.

#### 9. CONDITIONS OF BID

- 9.1 The successful Contractor must be in a position to assume duty on the date stipulated in the letter of acceptance
- 9.2 No bid received by telegram, telex, or facsimile will be considered.
- 9.3 It shall be noted that the KZN Legislature is under no obligation to accept the lowest or any bid.
- 9.4 The offer shall be made strictly according to the specification. No alternative offers will be considered.

- 9.6 Bidders must provide the following particulars about themselves as part of the bid:
- 9.6.1 Where they have their Headquarters
  - 9.6.2 Where they have their Regional Office.
  - 9.6.3 Name, address and telephone number of bankers together with their bank account number.
  - 9.6.4 The names, identity numbers and street addresses of all partners in cases where persons, a partnership, or a firm consists of a partnership.
- 9.7 In cases where a person or persons, a partnership, close corporation, firm or company enters business for the very first time, the following particulars shall be provided:
- 9.7.1 By whom, or with whose assistance, was the business plan drafted?
  - 9.7.2 By whom, or with whose assistance, were the bid prices calculated?
  - 9.7.3 Whose advice is relied on?
  - 9.7.4 Who will provide financial support?
- 9.8. A list of references must accompany this bid. Particulars shall be submitted regarding similar agreements completed successfully or of projects in which the bidder is engaged in.

## **10. CONTRACT PERIOD**

- 10.1 The contract period: **Implementation nine months and support and maintenance 36 months**
- 10.2 The KZN LEGISLATURE reserves the right to terminate the contract with any contractor should the contractor fail to fulfill his/her contractual obligations in terms of the contract.

## **11. DETAILS OF CURRENT CONTRACTS HELD BY THE BIDDER**

- 11.1 The bidder must furnish the following details of all current contracts:
- (i) Date of commencement of contract/s;
  - (ii) Expiry date/s;
  - (iii) Value per contract; and
  - (iv) Contract details. That is, with whom held, phone number and address/s of the company.

## **12. EQUAL BIDS**

- 12.1 In the event that two or more bids have equal total points, the successful bid will be the one scoring the highest number of preference points for specified goals. Should two or more bids be equal in all respects, the Adjudication shall be decided by the drawing of lots.

## **13. EXECUTION CAPACITY**

- 13.1 The bidder will be required to provide an efficient and effective service. Therefore, the bidder is required to submit proof that he/she has the required capacity to execute the contract tendered for successfully. The bidder must supply references or state his/her experience as a company to undertake the contract. References of past experience of owners/employees of new entities must accompany the bid document

## **14. EXTENSION OF CONTRACT**

- 14.1 An extension of contract may be considered. It is the normal policy that contracts are not extended. However, circumstances may arise whereby a contract cannot be renewed in time. If this is found to be the case, the right is reserved to approach existing contractor(s) to extend the contract for such period agreed to.

## **15. INFORMATION REQUIRED FROM BIDDER**

- 15.1 Bidders must provide the following particulars about themselves as part of the bid:
- 15.2 Where they have their Headquarters.
  - 15.3 Where they have their Regional Offices.
- } Details to be supplied on  
Company's letterhead.

## **16. IRREGULARITIES**

- 16.1 Companies are encouraged to advise the KZN Legislature timeously of any possible irregularities which might come to their notice in connection with this or other contracts.

## **17. JOINT VENTURES**

- 17.1 In terms of the Supply Chain Management Policy Framework, a consortium or joint venture may, based on the percentage of the contract value managed or executed by their HDI members, be entitled to equity ownership in respect of an HDI.
- 17.2 Should this bid be submitted by a joint venture; a certified copy of the joint venture agreement **must** accompany the bid document before the closing date and time of bid. The joint venture agreement must clearly specify the percentage of the contract to be undertaken by each company participating therein.
- 17.3 Failure to submit the joint venture Agreement will result in preference points not being allocated to all companies participating in the joint venture.

## **18. LATE BIDS**

- 18.1 Bids are late if they are received at the address indicated in the bid documents after the closing date and time.
- 18.2 A late bid shall not be considered and, where practicable, shall be returned unopened to the bidder. No late bids are accepted.

## **19. NOTIFICATION OF ADJUDICATION OF BIDDER & ADVERTISING OF RESULTS**

- 19.1 Notification of the Adjudication of bid shall be in writing by a duly authorized official of the KZN Legislature.

## **20. TAX CLEARANCE CERTIFICATE**

- 20.1 The Tax Clearance Certificate and PIN must be submitted with the bid before the closing date and time of the bid.
- 20.2 Each party to a Joint Venture/Consortium must submit a valid Tax Clearance Certificate and pin together with the bid at the closing date and time of bid.

## **21. UNSATISFACTORY PERFORMANCE**

- 21.1 Unsatisfactory performance occurs when performance is not in accordance with the contract conditions.
- (i) Before any action is taken, the KZN Legislature shall warn the contractor by registered/certified mail that action will be taken in accordance with the contract conditions unless the contractor complies with the contract conditions and delivers satisfactory supplies or services within a specified reasonable time (7 days minimum). If the contractor does not perform satisfactorily despite the warning the KZN Legislature will:
- (a) take action in terms of its delegated powers
  - (b) make a recommendation for cancellation of the contract concerned.

## **22. VALIDITY PERIOD AND EXTENSION THEREOF**

- 22.1 The validity (binding) period for the bid must be **120** days from close of bid. However, circumstances may arise whereby this KZN Legislature may request the bidders to extend the validity (binding) period. Should this occur, the KZN Legislature will request bidders to extend the validity (binding) period under the same terms and conditions as originally tendered for by bidders. This request will be done before the expiry of the original validity (binding) period.

## **23. VAT**

23.1 Bid prices must be inclusive of VAT.

23.2 A tax invoice shall be in the currency of the Republic of South Africa and shall contain the following particulars:

- (a) The name, address and registration number of the supplier;
- (b) the name and address of the recipient;
- (c) an individual serialized number and the date upon which the tax invoice is issued;
- (d) a description of the goods or services supplied;
- (e) the quantity or volume of the goods or services supplied;
- (f) either –
  - (i) the value of the supply, the amount of tax charged and the consideration for the supply; or
  - (ii) where the amount of tax charged is calculated by applying the tax fraction to the consideration, the consideration for the supply and either the amount of the tax charged, or a statement that it includes a charge in respect of the tax and the rate at which the tax was charged.

**24. REGISTRATION WITH THE STATUTORY BODIES**

The bidder must be registered for Workmens Compensation & UIF. and ensure that they abide by all relevant and applicable legislation/s and all applicable regulations pertaining to the required services.

**25. SECURITY VETTING:**

Security vetting will be carried out on all personnel involved in the contract.

# ANNEXURE A

## Specifications

### BID NUMBER: KZNL 3/2022

**APPOINTMENT OF A SERVICE PROVIDER FOR THE IMPLEMENTATION OF THE ENTERPRISE RESOURCE PLANNING (ERP) FOR NINE (9) MONTHS AND SUPPORT AND MAINTENANCE FOR THIRTY-SIX (36) MONTHS.**

### SPECIFICATION: ERP IMPLEMENTATION

#### 1. Purpose

KZN Legislature has taken a strategic decision to acquire a fully integrated and Generally Recognized Accounting Practice (GRAP) compliant Enterprise Resource Planning (ERP) System for the purposes of improving the administration and reporting function of the Legislature and ensuring that the Legislature delivers in accordance with its vision, mission, and 5-year strategic plan.

The purpose of this Request for Proposal (RFP) is to invite prospective bidders to submit their bids for the supply, design, implementation, full data migration, and support of an ERP system, including future enhancements, transfer of knowledge and skills to Legislature support staff and end-users, for a period of three (3) years.

Since the KZN Legislature's current ERP system is approaching the end of life, the proposed latest upgrade or replacement by equivalent ERP is aimed at providing the Legislature with a seamless planning and working environment. Hence, some of the set objectives for deploying this solution are:

- Integration of Finance, Supply Chain Management and Human Resources Management business processes
- Generate accrual-based financial performance reports that are compliant with the Standards of Generally Recognized Accounting Practice (GRAP).

## 2. Background

The current version of SAP used by the legislature is outdated and requires an upgrade or being replaced with an equivalent ERP system. KZN Legislature has a staff complement of 215 employees and 69 Members of the legislature. All Employees and Members must have access to the ERP System and its mobile application either for performing their duties or for employee self-service.

The total employees and members of the legislature are classified as follows:

- Six (8) HCM business operational users
- Twenty (25) Finance business operational users
- Twenty (20) SCM business operational users
- Five (5) Internal Functional and Technical Team
- 215 Staff compliments for requisitions and employee self-service.
- 69 Members for Employee self-service and capturing travel expenses.

### 2.1 Current ERP System and related technologies

SYSTEM	VERSION
SAP	ECC ERP 6.0 EHP5 Sybase: 15.7.0.063
Netweaver	7.2
Fiori	Ver1
SOLMAN	SAP: SOLUTION MANAGER 7.1 SYBASE: 15.7.0.138
CRM	SAP: CRM 7.0 EHP2 SYBASE: 15.7.0.138
BI	SAP: NW 7.0 EHP3 SYBASE: 15.7.0.009

<b>Operating System</b>	<b>Microsoft Server 2012:</b> The ICT Environment has been upgraded to Microsoft Server 2016, but SAP is still on Server 2012.
<b>Number of sites</b>	<b>One: Pietermaritzburg</b>
<b>SAP Continuity Site</b>	<b>Dube Trade Port:</b> This is our replication site that is running Site Recovery Manager (SRM) ver. 8.1.2

**HOST INFORMATION**

- There are 5 X HP Gen9 ProLiant BL460c Hosts
- Memory per Host: 256 GB
- Storage: 12 X Datastores created
- Available space- 28 terabyte

**2.2 Implemented Modules**

<b>Human Capital Management</b>	<ul style="list-style-type: none"> <li>• Organisational Management</li> <li>• Recruitment</li> <li>• Employee Administration</li> <li>• Leave Management</li> <li>• ESS &amp; MSS</li> </ul>
<b>Financial Management</b>	<ul style="list-style-type: none"> <li>• Accounts Payable</li> <li>• Accounts Receivable</li> <li>• General Ledger</li> <li>• Banking and Cash Management</li> <li>• Asset Management and Lease Accounting</li> <li>• Travel Management</li> <li>• Management Accounting</li> <li>• Funds Management</li> <li>• Payroll</li> </ul>
<b>Supply Chain Management</b>	<ul style="list-style-type: none"> <li>• Materials Management</li> <li>• Project Systems</li> </ul>
<b>ICT Modules</b>	<ul style="list-style-type: none"> <li>• Mobility (Mobile) Application</li> </ul>

### 3. Scope of Work

- The Service provider must implement all the modules entailed in **Annexure A**, with seamless integration. **Then migrate all data from the current ERP solution to the proposed ERP Solution.**
- The proposed system must, at a minimum, be compatible with Microsoft Windows Server 2019 hosting environment.
- The service provider must provide the ERP licenses and costing for the proposed solution.
- The service provider must provide and configure the mobile application solution that must be compatible with android and IOS.
- Employee Self-service must be web-based solution compatible with various browsers e.g. Microsoft Edge, Google Chrome, Internet Explorer and Firefox.
- The service provider must acquire and configure ERP replication at Dube Trade Port.
- The service provider must provide the 36 months post go live support immediately after Go-live.
- The service provider must develop and provide system configuration documentation and user manuals.

#### 3.1 ERP Response and resolution commitments

Once the project implementation has been successfully completed; the appointed service provider must provide an Information Technology Infrastructure Library (ITIL) based help/support desk system whereby the KZN Legislature can log all incidents and service requests.

Incidents and Service Requests will be assigned priority levels determined by the service provider in collaboration with KwaZulu-Natal Legislature, based on the impact and urgency, as defined below.

Priority	Severity	Maximum Response Time	Maximum Resolution Time
(P1) High	Emergency/ Critical	1 hour (24h x 7)	8 hours (24h x 7)
(P2) Medium	Non-Critical	4 hours	2 working days
(P3) Low	Minor	8 hours	3 working days

#### 3.2 Contract duration

- The service provider must provide the ERP solution that meets the business processes within nine (9) months period.
- The service must provide licensing, support, and maintenance of the proposed ERP solution for a period of thirty-six months (36 months).

**3.3 Training**

- The service provider must provide training to all officials and members of the legislature on utilization of the proposed solution.
- Skills transfer must be done by the service provider to the selected resources from KZN Legislature that will be directly involved in the project.

**3.4 Enhancements and Change Requests**

- In an effort to enhance the functionality and usability of the required system, the Legislature will procure future additional functionalities against the signed contract with the successful bidder over the term of the signed agreement

**4 Mandatory Evaluation Criteria**

Any none-compliance from the below-required information will result in disqualification.

Mandatory Requirements	Comply YES/NO	Page Number
<b>Adequacy of the proposed ERP Solution</b>		
Does the proposed ERP System meet the minimum requirements as per <i>Annexure A</i> ? <b>NB: Indicate Yes/No under comply.</b>		
<b>Adequate Experience of the Bidder</b>		
A bidder must be a certified/accredited Implementation partner of the proposed ERP Solution.  <b>(Provide a valid accreditation certification)</b>		
The bidder must submit at least four (4) reference letters from South African contactable customers: <ul style="list-style-type: none"> <li>• Whereby the bidder successfully implemented HCM, FINANCE, and SCM Modules together with the Employee Self-service and Mobile Application solution.</li> </ul> The bidder must submit at least one (1) reference letter from South African contactable customers: <ul style="list-style-type: none"> <li>• Whereby the bidder successfully migrated at least one (1) client from SAP ERP Solution (HCM, FINANCE, and SCM Modules) to the proposed ERP solution where KZN Legislature may conduct a site visit.</li> </ul>		

<ul style="list-style-type: none"> <li>• Or whereby the bidder successfully migrated at least one (1) client from any ERP solution (HCM, FINANCE and SCM Modules) to SAP ERP Solution where KZN Legislature may conduct a site visit.</li> </ul> <p><b>(Provide reference letters).</b></p>		
<b>Adequacy of the Project Team</b>		
<p>The organogram of the project team must have the minimum of the following resources: Project Manager, ERP Solution Architecture, Service Delivery Manager, Change Management Resource, the Functional team for each module and the Technical Team.</p> <p><b>(Attach project team organogram, CVs of all project team members, and checklist showing the job title for each resource submitted)</b></p> <p><i>NB: Each resource for each position is required (Project Manager, ERP Solution Architecture, Service Delivery Manager, Change Management Resource, Functional Team and Technical Team).</i></p>		
<p><b>Experience of the Project Manager:</b></p> <ul style="list-style-type: none"> <li>• Must have a minimum of a 3-year Diploma/Degree in Information and Communication Technology-related qualification.</li> <li>• Must have certification in Project Management</li> <li>• Three (3) full life cycle ERP project implementation ((HCM, FINANCE and SCM Modules) experience as a Project Manager where at least one was for the proposed ERP solution.</li> </ul> <p><b>(Attach CV and Certificates)</b></p>		
<p><b>Experience of the Solution Architecture</b></p> <ul style="list-style-type: none"> <li>• Must have a minimum of a 3-year Diploma/Degree in Information and Communication Technology-related qualification.</li> <li>• Must have certifications for the proposed ERP solution.</li> <li>• Must have a minimum of 5 years experience as a Solution Architecture in the ERP implementation (HCM, FINANCE, and SCM Modules) of the proposed ERP solution</li> </ul> <p><b>(Attach CV and Certificates)</b></p>		
<p><b>Experience of the Service Delivery Manager:</b></p> <ul style="list-style-type: none"> <li>• Must have a minimum of a 3-year Diploma/Degree in Information and Communication Technology related qualification.</li> <li>• Must be certified in Service Management or Information Technology Infrastructure Library (ITIL).</li> </ul>		

<ul style="list-style-type: none"> <li>• Must have a minimum of 5 years' experience as a Service Delivery Manager in the ERP support (HCM, FINANCE and SCM Modules) of the proposed ERP solution.</li> </ul> <p><b>(Attach CVs and Certificates)</b></p>		
<p><b>Experience of the Functional Team:</b></p> <ul style="list-style-type: none"> <li>• Must have a minimum of a 3-year Diploma/Degree in Information and Communication Technology (ICT) or functional area-related qualification.</li> <li>• Must be certified in the functional area of the proposed ERP solution</li> <li>• Must have been involved in a minimum of 5 ERP Implementation projects of the proposed ERP solution.</li> </ul> <p><b>(Attach CVs and Certificates)</b></p> <p><i>NB: Functional Team members cannot perform the role of a technical team member.</i></p>		
<p><b>Experience of the Technical Team:</b></p> <ul style="list-style-type: none"> <li>• Must have certification in Information and Communication Technology (ICT) or technical area-related qualification.</li> <li>• Must be certified in the technical area of the proposed ERP solution</li> <li>• Must have been involved in a minimum of 5 ERP Implementation projects of the proposed ERP solution.</li> </ul> <p><b>(Attach CVs and Certificates)</b></p> <p><i>NB: Technical Team member cannot perform the role of a Functional team member.</i></p>		
<p><b>Adequacy of the ERP Implementation Methodology</b></p>		
<p><b>Approach and Methodology:</b> The bidder must provide a detailed and clear plan of approach and method that will be used to upgrade or replace the current SAP ECC 6 EHP5 ERP System to the proposed ERP Solution.</p> <p>Project Implementation Methodology and Approach must include the following sub-headings in detail:</p> <ul style="list-style-type: none"> <li>• Comprehensive Implementation Plan with clear deliverables of the scope and timelines, and the project timelines must not exceed nine (9) months.</li> <li>• Change management and training plan</li> <li>• Data Migration approach that must clearly indicate how all data will be migrated from SAP ERP Solution to the proposed ERP solution and what Software Tools will be used.</li> <li>• Testing approach</li> <li>• Go-live approach</li> </ul>		

Adequacy of the Hosting, Networking and Replication		
<p>The bidder must provide additional infrastructure requirements needed to implement the proposed ERP solution over and above the current infrastructure.</p> <ul style="list-style-type: none"> <li>• <b>On-premises hosting:</b> The bidder must provide written confirmation that no additional infrastructure equipment is required.</li> </ul> <p>If additional infrastructure for the on-premises hosting of the proposed ERP solution is required, the bidder must provide the requirements inclusive of the financial implication.</p> <ul style="list-style-type: none"> <li>• <b>Replication Site:</b> Configure the proposed ERP solution to be replicated at Dube Trade Port for business continuity purposes using Site Recovery Manager (SRM) or equivalent.</li> </ul> <p>Attach the following for the Replication site:</p> <ol style="list-style-type: none"> <li>a. Dube Trade Port Partner certification (Evidence to access Dube Trade Port),</li> <li>b. Solution Design documentation of the proposed solution at Dube Trade Port</li> <li>c. CV and certification of the resource that will be responsible for the configuration of the replication site.</li> </ol>		
Adequacy of the Post Implementation Support		
<p>The organogram of the Support team must have a minimum of the following resources: Service Delivery Manager, Help Desk Officer, Functional Support team, Technical Support team.</p> <ul style="list-style-type: none"> <li>• The bidder must provide an organogram of the support team, CVs, and the proposed ERP certifications (Minimum support experience of the proposed ERP solution is three (3) years.</li> <li>• The bidder must submit 3 reference letters of the ERP projects that were successfully supported for the proposed ERP solution.</li> <li>• The bidder must provide a post-implementation support approach to achieve the provided response and resolution times.</li> </ul> <p><b>Attach CVs with certifications, reference letters and post-implementation support approach)</b></p>		
Adequacy of the Software Licences		
<p><b>Software Licences</b></p> <p>The bidder must provide license requirements for the proposed ERP solution, inclusive of the service provider resources and KZNL team, with financial implications.</p> <p><b>KZNL Team:</b></p> <ul style="list-style-type: none"> <li>• 8 HCM operational users</li> </ul>		

<ul style="list-style-type: none"><li>• 25 FINANCE operational users</li><li>• 20 SCM operational users</li><li>• 5 Internal Functional and Technical Team</li><li>• 215 Staff compliments for requisitions and employee self-service.</li><li>• 69 Members for Employee self-service and capturing travel expenses</li></ul> <p>(Attach a detailed Licence information document with financial implications for the proposed ERP solution- KZNL Users and Service Provider’s resources)</p>		
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***BIDDERS ARE REQUIRED TO USE THE CV TEMPLATE PROVIDED ( ANNEXURE A) for the experience of the resources to be allocated on the project***

**FUNCTIONALITY**

REQUIREMENT	EVALUATION CRITERIA	POINTS ALLOCATION	TOTAL MAX POINTS
<b>System Implementation</b>			
<b>Previous Relevant Experience of the Bidder in Implementing the proposed ERP system</b>	Number of previous implementations of the system in South Africa.  (Attach proof in the form of reference letters with contactable reference client information from South African customers where the system was successfully implemented)	=>5 is 1 point per project up to the maximum of 10	10 points
	Previously migrated the company from the SAP ERP System to your proposed ERP System.	= 5 points	5 points
	The Service provider is the OEM or Regional Distributer of the ERP	= 5 points	5 points
<b>Experience of the Project Team in Implementing the proposed ERP system</b>	<ul style="list-style-type: none"> <li>• Project Manager with a minimum of a 3-year Diploma/Degree in Information and Communication Technology related qualification.</li> <li>• Must have certification in Project Management</li> </ul>	5 points	5 points

REQUIREMENT	EVALUATION CRITERIA	POINTS ALLOCATION	TOTAL MAX POINTS
	<ul style="list-style-type: none"> <li>Three (3) full life cycle ERP project implementation (HCM, FINANCE and SCM Modules) experience as a Project Manager where at least one was for the proposed ERP solution.</li> </ul> <p>(Attach detailed CV and certificates of qualifications as proof)</p>		
	<ul style="list-style-type: none"> <li>Solution Architect with a minimum of a 3-year Diploma/Degree in related qualification.</li> <li>Must have certifications for the proposed ERP solution.</li> <li>Must have a minimum of 5 years' experience as a Solution Architecture in the ERP implementation (HCM, FINANCE and SCM Modules) of the proposed ERP solution.</li> </ul> <p>(Attach detailed CV and certificates of qualifications as proof)</p>	5 points	5 points
	<ul style="list-style-type: none"> <li>Service Delivery Manager with a minimum of a 3-year Diploma/Degree in Information and Communication Technology related qualification.</li> <li>Must be certified in Information Technology Infrastructure Library (ITIL).</li> </ul>	5 points	5 points

REQUIREMENT	EVALUATION CRITERIA	POINTS ALLOCATION	TOTAL MAX POINTS
	<ul style="list-style-type: none"> <li>Must have a minimum of 5 years' experience as a Service Delivery Manager in the ERP support (HCM, FINANCE and SCM Modules) of the proposed ERP solution.</li> </ul> <p>(Attach detailed CV and certificates of qualifications as proof)</p>		
	<ul style="list-style-type: none"> <li>Functional Team with a minimum of a 3-year Diploma/Degree in Information and Communication Technology (ICT) or functional area related qualification.</li> <li>Must be certified in the functional area of the proposed ERP solution</li> <li>Must have been involved in a minimum of 5 ERP Implementation projects of the proposed ERP solution.</li> </ul> <p>(Attach detailed CV's and certificates of qualifications as proof)</p>	5 points	5 points
	<ul style="list-style-type: none"> <li>Technical Team with certification in Information and Communication Technology (ICT) or technical area related qualification.</li> <li>Must be certified in the technical area of the proposed ERP solution</li> </ul>	5 points	5 points

REQUIREMENT	EVALUATION CRITERIA	POINTS ALLOCATION	TOTAL MAX POINTS
	<ul style="list-style-type: none"> <li>Must have been involved in a minimum of 5 ERP Implementation projects of the proposed ERP solution.</li> </ul> <p>(Attach detailed CV's and certificates of qualifications as proof)</p>		

<p>Approach and Methodology, including Proposed Timelines for <b>Implementing</b> the proposed ERP system</p>	<p>Detailed project approach and methodology to be applied including the proposed timelines that will be used to upgrade the current SAP ECC 6 EHP5 ERP System/re-implementation of the proposed ERP Solution, and must include the following in detail:</p> <ul style="list-style-type: none"> <li>• Comprehensive Implementation Plan with clear deliverables of the scope and timelines, with the project timelines not exceeding 6 months.</li> <li>• Change Management and Training Plan</li> <li>• Data Migration Plan which clearly indicates how data will be migrated from SAP ERP Solution to the proposed ERP solution and what Software Tools will be utilized.</li> <li>• Testing Approach</li> <li>• Go-live Plan</li> </ul>	<p>Rating Scale: 15 – Excellent 12 - Good 9 - Satisfactory 6 - Poor 0- Very Poor</p>	<p>15 points</p>
<p><b>System Support</b></p>			

REQUIREMENT	EVALUATION CRITERIA	POINTS ALLOCATION	TOTAL MAX POINTS
<p><b>Previous Relevant Experience of the Bidder in supporting the proposed ERP system</b></p>	<p>Number of previous support projects of the system in South Africa.  (Attach proof in the form of reference letters with contactable reference client information from South African customers where the system was successfully supported)</p>	<p>3 or more is =1 point to maximum of 5</p>	<p>5 points</p>
	<p>Number of years of experience in systems support in South Africa.</p>	<p>3 or more years = 5 points</p>	<p>5 points</p>
<p><b>Experience of the Project Team in supporting the proposed ERP system</b></p>	<ul style="list-style-type: none"> <li>• Help Desk Officer</li> <li>• Must be certified in ITIL or service management</li> <li>• Must have a minimum of 5 years' experience as a Help Desk Manager in the ERP support (HCM, FINANCE and SCM Modules) of the proposed ERP solution.</li> </ul> <p>(Attach detailed CV and certificates of qualifications as</p>	<p>5 Points</p>	<p>5 Points</p>

	proof)		
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REQUIREMENT	EVALUATION CRITERIA	POINTS ALLOCATION	TOTAL MAX POINTS
	<ul style="list-style-type: none"> <li>• Functional Team Leads with a minimum of a 3-year Diploma/Degree in Information and Communication Technology (ICT) or functional area related qualification.</li> <li>• Must be certified in the functional area of the proposed ERP Solution.</li> <li>• Must have been involved in a minimum of 5 ERP Implementation projects of the proposed ERP solution.</li> </ul> <p>(Attach detailed CV's and certificates of qualifications as proof)</p>	5 Points	5 Points
	<ul style="list-style-type: none"> <li>• Technical Team Leads with certification in Information and Communication Technology (ICT) or technical area related qualification.</li> <li>• Must be certified in the technical area of the proposed ERP solution</li> <li>• Must have been involved in a minimum of 5 ERP Implementation projects of the proposed ERP</li> </ul>	5 Points	5 Points

	solution. (Attach detailed CV's and certificates of qualifications as proof)		
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REQUIREMENT	EVALUATION CRITERIA	POINTS ALLOCATION	TOTAL MAX POINTS
<p><b>Approach for supporting the proposed ERP system</b></p>	<p>Detailed post implementation support approach to achieve the required response and resolution times.</p>	<p>Rating Scale:                      5 – Excellent                      4 – Very Good                      3 – Good                      2 – Satisfactory                      1 - Fair</p>	<p>5 points</p>

REQUIREMENT	EVALUATION CRITERIA	POINTS ALLOCATION	TOTAL MAX POINTS
<b>Infrastructure Provisioning</b>			
<b>Adequacy of infrastructure provisioning response</b>	Includes all required information for provisioning of infrastructure for the proposed ERP system, including: <ul style="list-style-type: none"> <li>• Confirmation of minimum on-premises hosting requirements and any additional requirements (if applicable);</li> <li>• Solution Design Document in terms of Replication Site; and</li> <li>• Confirmation of minimum network (bandwidth) requirements for remote working and Dube Trade Port replication for the proposed ERP solution</li> </ul>	Rating Scale: 10-Excellent 8- Very Good 4- Good 2 -Satisfactory 1 - Fair	10 Points
<b>Total Points for Functionality</b>			<b>100 points</b>
<b>Minimum Passing Score for Functionality (80%)</b>			<b>80 points</b>

## 5 Pricing Schedule

Description	Cost
Additional Onsite Hosting Infrastructure (if applicable)	
ERP Licences	
ERP System Configuration	
Data Migration	
Change Management	
Training	
Configuration of the Replication Site	
Any other applicable costs: (Provide details)	
<b>Total</b>	
<b>Vat</b>	
<b>Total inclusive of Vat</b>	

## Post Implementation Support

Description	Year 1	Year2	Year3	Total
Post – Go Live Support				
Replication Site				
Licence Maintenance Fee				
<b>Total</b>				
<b>Vat</b>				
<b>Total inclusive of Vat</b>				

## ANNEXURE B

# GENERAL CONDITIONS OF CONTRACT1

THE NATIONAL TREASURY

Republic of South Africa



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**GOVERNMENT PROCUREMENT:  
GENERAL CONDITIONS OF CONTRACT  
July 2010**

### 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.

1. The General Conditions of Contract will form part of all bid documents and may not be amended.

2. 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.

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*1 A copy of the complete document set containing the General Conditions of Contract is available on [www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/](http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/)*

**GENERAL CONDITIONS OF CONTRACT  
TABLE OF CLAUSES**

1. Definitions
2. Application
3. General
4. Standards
5. Use of contract documents and information; inspection
6. Patent rights
7. Performance security
8. Inspections, tests and analysis
9. Packing
10. Delivery and documents
11. Insurance
12. Transportation
13. Incidental services
14. Spare parts
15. Warranty
16. Payment
17. Prices
18. Contract amendments
19. Assignment
20. Subcontracts
21. Delays in the supplier's performance
22. Penalties
23. Termination for default
24. Dumping and countervailing duties
25. Force Majeure
26. Termination for insolvency
27. Settlement of disputes
28. Limitation of liability
29. Governing language
30. Applicable law
31. Notices
32. Taxes and duties
33. National Industrial Participation Programme (NIPP)
34. Prohibition of restrictive practice

