



<b>BID DESCRIPTION: APPOINTMENT OF A SERVICE PROVIDER FOR THE REPLACEMENT OF RAILS, TURNOUTS, SLEEPERS, LUBRICATORS, FIELD WELDING AND GRINDING OF RAILS, MANUFACTURED CROSSINGS, REPAIR ULTRASONIC DEFECTS AND GRINDING OF OVERLAPS ON TURNOUTS AND VEGETATION CONTROL ON THE JOHANNESBURG TO RANDFONTEIN LINE FOR A PERIOD OF SIX (6) MONTH IN THE METRORAIL GAUTENG REGION</b>	
<b>TENDER NUMBER: 23/08/2023 GAU-(PER)</b>	

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<b>TENDER NUMBER: 23/08/2023 GAU-(PER)</b>	

## FORM A

### INVITATION TO BID PART A

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY) - PRASA</b>					
BID NUMBER:	23/08/2023 GAU-(PER)	CLOSING DATE:	15 September 2023	CLOSING TIME:	12H00
DESCRIPTION	<b>BID DESCRIPTION: APPOINTMENT OF A SERVICE PROVIDER FOR THE REPLACEMENT OF RAILS, TURNOUTS, SLEEPERS, LUBRICATORS, FIELD WELDING AND GRINDING OF RAILS, MANUFACTURED CROSSINGS, REPAIR ULTRASONIC DEFECTS AND GRINDING OF OVERLAPS ON TURNOUTS AND VEGETATION CONTROL ON THE JOHANNESBURG TO RANDFONTEIN LINE FOR A PERIOD OF SIX (6) MONTH IN THE METRORAIL GAUTENG REGION</b>				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT.</b>					

BID RESPONSE DOCUMENTS MAY BE HAND-DELIVERED TO THE FOLLOWING ADDRESS SITUATED AT (STREET ADDRESS)

**PASSENGER RAIL AGENCY OF SOUTH AFRICA  
SHOSHOLOZA JUNCTION  
6th FLOOR  
CNR LEYDS AND SIMMONDS  
BRAAMFOTEIN JOHANNESBURG**

#### 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					
	TCS PIN:		OR	CSD No:	

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**TENDER NUMBER: 23/08/2023 GAU-(PER)**

<p>ARE YOU THE ACCREDITED REPRESENTATIVE <b>IN SOUTH AFRICA</b> FOR THE <b>GOODS /SERVICES /WORKS OFFERED?</b></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[IF YES ENCLOSE PROOF]</p>	<p>ARE YOU A FOREIGN BASED SUPPLIER FOR <b>THE GOODS /SERVICES /WORKS OFFERED?</b></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[IF YES ANSWER PART B:3 BELOW ]</p>
<p><b>SIGNATURE OF BIDDER</b></p>	<p>.....</p>	<p><b>DATE</b></p>	
<p><b>CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)</b></p>			

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<b>TENDER NUMBER: 23/08/2023 GAU-(PER)</b>	

With effect from **18 August 2023** the tender documents can be downloaded on National Treasury e-tender website

1. A compulsory tender briefing meeting with representatives of the Employer will take place at

**VENUE: PASSENGER RAIL AGENCY OF SOUTH AFRICA  
SHOSHOLOZA JUNCTION  
6th FLOOR  
CNR LEYDS AND SIMMONDS  
BRAAMFOTEIN JOHANNESBURG**

**TIME: 12H00**

**DATE: 31 August 2023**

2. Arrangements can be made to make bids available before closing date provided that the prospective bidder has attended the compulsory briefing meeting.

- Bidders failing to attend the compulsory tender briefing session will be disqualified.

**Tender No: 23/05/2023 GAU-(PER)**

**Description:**

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**I/We declare that I/We have read the above-mentioned notice and that it is understood by me/us.**

**Signed at \_\_\_\_\_ on this \_\_\_\_\_ (day) of \_\_\_\_\_ (month) 20\_\_.**

**BIDDER : Signature\_\_\_\_\_**

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**TENDER NUMBER: 23/08/2023 GAU-(PER)**

**RM B**

## **TERMS AND CONDITIONS FOR BIDDING**

### **1. BID SUBMISSION:**

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE
- 1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: ( BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES).
- 1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION.

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.


### **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 VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE [WWW.SARS.GOV.ZA](http://WWW.SARS.GOV.ZA).
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

### **3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

- 3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO
- 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO
- 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO
- 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO

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

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<b>TENDER NUMBER: 23/08/2023 GAU-(PER)</b>	

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

**FORM D: SITE INSPECTION / PRE-TENDER BRIEFING SESSION (COMPULSORY)**

Request number:	<b>23/08/2023 GAU-(PER)</b>
Request for Proposal:	<b>BID DESCRIPTION: APPOINTMENT OF A SERVICE PROVIDER FOR THE REPLACEMENT OF RAILS, TURNOUTS, SLEEPERS, LUBRICATORS, FIELD WELDING AND GRINDING OF RAILS, MANUFACTURED CROSSINGS, REPAIR ULTRASONIC DEFECTS AND GRINDING OF OVERLAPS ON TURNOUTS AND VEGETATION CONTROL ON THE JOHANNESBURG TO RANDFONTEIN LINE FOR A PERIOD OF SIX (6) MONTH IN THE METRORAIL GAUTENG REGION</b>

**Attendance**

This is to certify that \_\_\_\_\_ has / have today attended the site inspection / tender briefing session to which this enquiry relates.

THUS DONE and SIGNED at \_\_\_\_\_ on this  
\_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
for / on behalf of PRASA

\_\_\_\_\_  
Designation

**Acknowledgement**

This is to certify that the Bidder has / have acquainted himself / themselves with the Contract, Project Specification / Special Conditions, Specifications and / or Bills of Quantities / Schedule of Quantities / Schedule of Prices, together with the drawings enumerated therein, as laid down by the PRASA for the carrying out of the proposed WORKS to which the enquiry relates

**BID DESCRIPTION: APPOINTMENT OF A SERVICE PROVIDER FOR THE REPLACEMENT OF RAILS, TURNOUTS, SLEEPERS, LUBRICATORS, FIELD WELDING AND GRINDING OF RAILS, MANUFACTURED CROSSINGS, REPAIR ULTRASONIC DEFECTS AND GRINDING OF OVERLAPS ON TURNOUTS AND VEGETATION CONTROL ON THE JOHANNESBURG TO RANDFONTEIN LINE FOR A PERIOD OF SIX (6) MONTH IN THE METRORAIL GAUTENG REGION**



**TENDER NUMBER: 23/08/2023 GAU-(PER)**

THUS DONE and SIGNED at \_\_\_\_\_

on this \_\_\_\_\_ day of \_\_\_\_\_

DULY AUTHORISED SIGNATORY(IES)

WITNESSES

1. _____	1. _____
2. _____	2. _____
3. _____	3. _____

**FORM E**

**STATEMENT OF WORKS SUCCESSFULLY CARRIED OUT BY BIDDER**

**CURRENT TENDER DETAILS**

Request number:	23/08/2023 GAU-(PER)
Request for:	<b>BID DESCRIPTION: APPOINTMENT OF A SERVICE PROVIDER FOR THE REPLACEMENT OF RAILS, TURNOUTS, SLEEPERS, LUBRICATORS, FIELD WELDING AND GRINDING OF RAILS, MANUFACTURED CROSSINGS, REPAIR ULTRASONIC DEFECTS AND GRINDING OF OVERLAPS ON TURNOUTS AND VEGETATION CONTROL ON THE JOHANNESBURG TO RANDFONTEIN LINE FOR A PERIOD OF SIX (6) MONTH IN THE METRORAIL GAUTENG REGION</b>

**Bidders must state particulars of the works successfully carried out**

CLIENT	TEL. NUMBER	NATURE OF WORKS	VALUE OF WORKS FOR WHICH BIDDER WAS DIRECTLY RESPONSIBLE	CONTRACT/ PROJECT PERIOD

**BID DESCRIPTION: APPOINTMENT OF A SERVICE PROVIDER FOR THE REPLACEMENT OF RAILS, TURNOUTS, SLEEPERS, LUBRICATORS, FIELD WELDING AND GRINDING OF RAILS, MANUFACTURED CROSSINGS, REPAIR ULTRASONIC DEFECTS AND GRINDING OF OVERLAPS ON TURNOUTS AND VEGETATION CONTROL ON THE JOHANNESBURG TO RANDFONTEIN LINE FOR A PERIOD OF SIX (6) MONTH IN THE METRORAIL GAUTENG REGION**


**TENDER NUMBER: 23/08/2023 GAU-(PER)**



**Bidders must state particulars of the works successfully carried out**


If the space provided above is insufficient for all the information, Bidder should furnish the information separately.



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<b>TENDER NUMBER: 23/08/2023 GAU-(PER)</b>	

## FORM F

### SECURITY SCREENING FORM

I/We the under-signed in my/our capacity as indicated below hereby declare that I/we do not have previous conviction/s or civil Judgment/s registered against my/our name/s. I further confirm that there is no criminal or civil proceeding pending or being instituted against me or the Institution. I also declare that there are no Criminal Investigations pending against me or the Institution.

### SECTION 1

\*to be completed by the Bidder (Compulsory)

<b>Name of Company/Trust/Partnership</b>	<b>Registration number of Company/Trust No</b>
<b>Physical Address</b>	<b>Vat Registration Number</b>
<b>Name of Auditing Firm</b>	<b>Previous Name/s of Company</b>
<b>Contact no. (Land line)</b>	
<b>Name of Holding Company if any</b>	<b>Tender Number</b>
<b>Tax Number/PIN Number</b>	
	<b>Banking Details</b>
	Bank Name:
	Acc Number:
	Acc Holder:
	Branch Name:
	Branch Code:


### SECTION 2

Directors'/Trustees'/Partners' or Principals' Details				
Name & Surname		Identity Number	Date of Appointment	Shares
1.				
2.				
3.				
4.				

\*If the company has more than five directors/principals a list of all shareholders must be appended as Annexure "A"

### SECTION 3 Only applicable for the Security Providers

<b>Name of Company/Trust/Partnership</b>	<b>PSIRA Registration Number</b>
--	----------------------------------

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Please attach a letter of GOOD STANDING from PSIRA

#### SECTION 4

##### Declaration of all Judgments (Directors & Company) and Outstanding Debt

Director / Company	Reason for Judgment	Date of Judgment	Nature of Debt	Amount
1.				
2.				
3.				

**\*If more than five incidents are listed, attach a list as annexure "C"**

#### SECTION 5

I / We the under-mentioned in my / our capacity as indicated hereby declare that I am / we are not insolvent nor have been liquidated or any steps in this regard have been taken or are pending against me / us. I /We further declare that I/We have not been part of an entity which was liquidated in the last 5 years.

Full Name(s)	ID Number	Capacity	Signature
1.			
2.			
3.			

#### SECTION 6

##### DECLARATION AND ACKNOWLEDGEMENT OF CONSENT


I .....Declare that the information provided above is true and correct. I also consent that a security screening be conducted on the company/trust or partnership and directors.

Contact Person:.....

Tel no. ....

\_\_\_\_\_  
 BIDDER'S DULY AUTHORISED SIGNATORY

\_\_\_\_\_  
 Date


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**FORM G**

**ACKNOWLEDGMENT**

I / We, as duly authorised to sign on behalf of the Tenderer, hereby certify that the information provided is true and correct. If information is found to be incorrect, PRASA may in addition to other remedies; blacklist the supplier in question, circulate and publicise the nature of the contravention to all potential users of the supplier (both in the public and private sectors).

THUS DONE and SIGNED at _____ on this _____ day of _____			
DULY AUTHORISED SIGNATORY(IES)		WITNESSES	
1.	_____	1.	_____
2.	_____	2.	_____
3.	_____	3.	_____

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**SBD4**

## **BIDDER'S DISCLOSURE**

### **1. PURPOSE OF THE FORM**

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

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


### **2. Bidder's declaration**

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state? **YES/NO**

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

Full Name	Identity Number	Name of State institution

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

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<b>TENDER NUMBER: 23/08/2023 GAU-(PER)</b>	

2.2


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

2.2.1 If so, furnish particulars:

.....  
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?

**YES/NO**

2.3.1 If so, furnish particulars:


.....  
.....

### 3 DECLARATION

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications,

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

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prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

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

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

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## SBD 5: THE NATIONAL INDUSTRIAL PARTICIPATION PROGRAMME

**This document must be signed and submitted together with your bid**

### INTRODUCTION

The National Industrial Participation (NIP) Programme, which is applicable to all government procurement contracts that have an imported content, became effective on the 1 September 1996. The NIP policy and guidelines were fully endorsed by Cabinet on 30 April 1997. In terms of the Cabinet decision, all state and parastatal purchases / lease contracts (for goods, works and services) entered into after this date, are subject to the NIP requirements. NIP is obligatory and therefore must be complied with. The Industrial Participation Secretariat (IPS) of the Department of Trade and Industry (DTI) is charged with the responsibility of administering the programme.

### 1 PILLARS OF THE PROGRAMME

1.1 The NIP obligation is benchmarked on the imported content of the contract. Any contract having an imported content equal to or exceeding US\$ 10 million or other currency equivalent to US\$ 10 million will have a NIP obligation. This threshold of US\$ 10 million can be reached as follows:

(a) Any single contract with imported content exceeding US\$10 million.

or


(b) Multiple contracts for the same goods, works or services each with imported content exceeding US\$3 million awarded to one seller over a 2 year period which in total exceeds US\$10 million.

or

(c) A contract with a renewable option clause, where should the option be exercised the total value of the imported content will exceed US\$10 million.

or

(d) Multiple suppliers of the same goods, works or services under the same contract, where the value of the imported content of each allocation is equal to or exceeds US\$ 3 million worth of goods, works or services to the same government institution, which in total over a two (2) year period exceeds

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US\$10 million.

1.2 The NIP obligation applicable to suppliers in respect of sub-paragraphs 1.1 (a) to 1.1 (c) above will amount to 30 % of the imported content whilst suppliers in respect of paragraph 1.1 (d) shall incur 30% of the total NIP obligation on a *pro-rata* basis.

1.3 To satisfy the NIP obligation, the DTI would negotiate and conclude agreements such as investments, joint ventures, sub-contracting, licensee production, export promotion, sourcing arrangements and research and development (R&D) with partners or suppliers.

1.4 A period of seven years has been identified as the time frame within which to discharge the obligation.

## 2 REQUIREMENTS OF THE DEPARTMENT OF TRADE AND INDUSTRY

2.1 In order to ensure effective implementation of the programme, successful bidders (contractors) are required to, immediately after the award of a contract that is in excess of **R10 million** (ten million Rands), submit details of such a contract to the DTI for reporting purposes.


2.2 The purpose for reporting details of contracts in excess of the amount of R10 million (ten million Rands) is to cater for multiple contracts for the same goods, works or services; renewable contracts and multiple suppliers for the same goods, works or services under the same contract as provided for in paragraphs 1.1.(b) to 1.1. (d) above.

## 3 BID SUBMISSION AND CONTRACT REPORTING REQUIREMENTS OF BIDDERS AND SUCCESSFUL BIDDERS (CONTRACTORS)

3.1 Bidders are required to sign and submit this Standard Bidding Document (SBD 5) together with the bid on the closing date and time.

3.2 In order to accommodate multiple contracts for the same goods, works or



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services; renewable contracts and multiple suppliers for the same goods, works or services under the same contract as indicated in sub-paragraphs 1.1 (b) to 1.1

(d) above and to enable the DTI in determining the NIP obligation, successful bidders (contractors) are required, immediately after being officially notified about any successful bid with a value in excess of R10 million (ten million Rands), to contact and furnish the DTI with the following information:


- Bid / contract number.
- Description of the goods, works or services.
- Date on which the contract was accepted.
- Name, address and contact details of the government institution.
- Value of the contract.
- Imported content of the contract, if possible.

3.3 The information required in paragraph 3.2 above must be sent to the Department of Trade and Industry, Private Bag X 84, Pretoria, 0001 for the attention of Mr Elias Malapane within five (5) working days after award of the contract. Mr Malapane may be contacted on telephone (012) 394 1401, facsimile (012) 394 2401 or e-mail at [Elias@thedti.gov.za](mailto:Elias@thedti.gov.za) for further details about the programme.

#### **4 PROCESS TO SATISFY THE NIP OBLIGATION**

4.1 Once the successful bidder (contractor) has made contact with and furnished the DTI with the information required, the following steps will be followed:

- a. the contractor and the DTI will determine the NIP obligation;
- b. the contractor and the DTI will sign the NIP obligation agreement;
- c. the contractor will submit a performance guarantee to the DTI;
- d. the contractor will submit a business concept for consideration and approval by the DTI;
- e. upon approval of the business concept by the DTI, the contractor will submit detailed business plans outlining the business concepts;
- f. the contractor will implement the business plans; and
- g. the contractor will submit bi-annual progress reports on approved plans to the DTI.

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4.2 The NIP obligation agreement is between the DTI and the successful bidder (contractor)and, therefore, does not involve the purchasing institution.


Bid number ..... Closing date:.....

Name of bidder.....

Postal address .....
  
.....

Signature..... Name (in print).....

Date.....

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## 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**

#### GENERAL CONDITIONS

##### 1.

- 1.1 The following preference point systems are applicable to invitations to tender:
  - the 80/20 or 90/10 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- 1.2 **To be completed by the organ of state**
  - a) The applicable preference point system for this tender is the 80/20 or 9010 preference point system.
  - b) The 80/20 or 90/10 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.

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**1.4 To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS	POINTS
PRICE	80	90
SPECIFIC GOALS	20	10
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>	<b>100</b>


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

**2. DEFINITIONS**

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

**3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES**

**3.1. POINTS AWARDED FOR PRICE**

<p><b>BID DESCRIPTION: APPOINTMENT OF A SERVICE PROVIDER FOR THE REPLACEMENT OF RAILS, TURNOUTS, SLEEPERS, LUBRICATORS, FIELD WELDING AND GRINDING OF RAILS, MANUFACTURED CROSSINGS, REPAIR ULTRASONIC DEFECTS AND GRINDING OF OVERLAPS ON TURNOUTS AND VEGETATION CONTROL ON THE JOHANNESBURG TO RANDFONTEIN LINE FOR A PERIOD OF SIX (6) MONTH IN THE METRORAIL GAUTENG REGION</b></p>	
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### 3.1.1 THE 80/20OR 90/10 PREFERENCE POINT SYSTEMS

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

**80/20**

**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

Ps = Points scored for the price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

### 3.2.1. POINTS AWARDED FOR PRICE

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

**80/20**

**90/10**

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

Where


Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax= Price of highest acceptable tender

## 4. POINTS AWARDED FOR SPECIFIC GOALS


4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations,

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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 for/on used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for 80/20 or 90/10 preference point system.

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

**(Note to organs of the state: The 80/20 OR 90/10 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	EVIDENCE	Number of points allocated (80/20 OR 90/10 system) (To be completed by the organ of state	Number of points claimed. (80/20 OR 90/10 system) (To be completed by the tenderer)
BLACK Women Owned	Certified copy of ID Documents of the Owners	4	
Black Youth Owned	Certified copy of ID Documents of the Owners	4	
EME or QSE 51% Black Owned	Audited Annual Financial/B - BBEE Certificate/ affidavit	4	
Owned by black persons with disabilities	Certified copy of ID Documents of the Owners and Doctor's note confirming the disability	4	
Black People living in the rural area	Municipal/Eskom Bill or letter from Induna/Chief confirming residential address not older than 3 months	4	

#### 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

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- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

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

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

.....  
**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....

.....

.....

.....



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