



4th Floor
Riverwalk Office Park
Block A, 41 Matroosberg
RoadAshlea Gardens
PRETORIA
SOUTH
AFRICA0081

P.O. Box 580, **MENLYN**, 0063
Tel: 012 346 1738, Fax: 086 693 7472
E-Mail: tenders@pfa.org.za Website: www.pfa.org.za

BID DESCRIPTION	APPOINTMENT OF A LEGAL SERVICES PANEL FOR A PERIOD OF THREE (3) YEARS
BID NUMBER	OPFA/LS/012025
CLOSING DATE	09 July 2025
CLOSING TIME	11:00

Bidder name: _____

Company registration number: _____

CSD number: _____



4th Floor
Riverwalk Office Park
Block A, 41 Matroosberg Road
Ashlea Gardens, Extension 6
PRETORIA
SOUTH AFRICA
0181

P.O. Box 580, **MENLYN**, 0063
Tel: 012 346 1738 / 748 4000
Fax: 086 693 7472
E-Mail: enquiries@pfa.org.za
Website: www.pfa.org.za

1. INTRODUCTION

- 1.1. The Office of the Pension Funds Adjudicator (OPFA) was established in terms of section 30B of the Pension Funds Act No.24 of 1956 ("Act") with effect from 01 January 1998.
- 1.2. In terms of section 30D of the Act, the main objective of the Adjudicator is to dispose of complaints lodged in terms of section 30A (3) of the Act, and complaints for which the Adjudicator is designated in terms of section 211 of the Financial Sector Regulation Act. The mandate of the OPFA is to ensure a procedurally fair, economical, and expeditious resolution of complaints in terms of the Act.
- 1.3. Section 30B entrusts the responsibility of carrying out the mandate on the Pension Funds Adjudicator and the Deputy Adjudicator/s. The Adjudicator and/or the deputy Adjudicators are appointed by the Minister of Finance.
- 1.4. The OPFA is funded in terms of section 30R of the Pension Funds Act by way of a levy imposed by national legislation.
- 1.5. The OPFA has one national office based in Pretoria.

INITIAL HERE	
--------------	--

2. OBJECTIVE AND SCOPE OF SERVICES REQUIRED

- 2.1. The purpose and objective of this invitation to bid, is to appoint a panel of three (3) suitable service providers to provide legal services in the area of pension funds law (In terms of the Pension Funds Act 24 of 1956) and general litigation effective from 1 September 2025 for a period of 36 months.
- 2.2. The scope of the required services will include, but not be limited to the following:
- 2.2.1. Any legal service required relating to appeals in terms of section 30P of the Act and any review applications.
 - 2.2.2. Any legal service required relating to applications for reconsideration in terms of section 230 of the Financial Sector Regulation Act, 2017.
 - 2.2.3. Review of various internal OPFA documents, including policies and contracts.
 - 2.2.4. Drafting legal opinions.
 - 2.2.5. General litigation.
 - 2.2.6. Briefing counsel.
 - 2.2.7. General legal services.

3. SPECIAL CONDITIONS AND UNDERTAKING BY THE BIDDER

The following are the special conditions applicable to this request for proposals:

- 3.1. The appointment of the panel of legal services will be for a period of three (3) years, reckoned from the date of signing service level agreements with the OPFA. The appointment to the OPFA's panel of legal services does not guarantee assignment of work to any of the successful firms; assignment will be on a need basis and depending on the suitability of the firm to perform the work required.
- 3.2. The OPFA may negotiate fees charged on a rate per hour basis with all the successful firms and negotiate pre-approved rates/percentages at the contracting level.
- 3.3. A firm assigned any work may not cede, assign, or sub-contract any part thereof to any person without the written consent of the OPFA or as may be required by the applicable regulations. This includes, but is not limited to, the briefing of counsel and instructing of correspondent attorneys, where required.

- 3.4. The successful firms shall report directly to the PFA, or any person delegated by the PFA, in respect of any engagement and for the receipt and handling of all forms of reports and all administration pertaining to any particular assignment.
- 3.5. The firms appointed shall not represent the OPFA on matters where a conflict of interest exists.
- 3.6. The OPFA will not accept the bid if the OPFA is satisfied that any person (including an employee, partner, director or shareholder of the bidder:
- 3.6.1. Is executing a contract with the OPFA unsatisfactorily;
 - 3.6.2. Is restricted from doing business with the state or employed by the state
 - 3.6.3. Has in any manner been involved in a corrupt act in relation to or other gift or remuneration to any officer or employee of the OPFA in connection with obtaining or executing a contract;
 - 3.6.4. Has acted in bad faith, in a fraudulent manner, or committed an offence in obtaining or executing a contract;
 - 3.6.5. Has in any manner influenced or attempted to influence the awarding of OPFA's bid;
 - 3.6.6. Has, when advised that their tender has been accepted, given notice of his inability to execute or sign the contract;
 - 3.6.7. Has engaged in any anti-competitive behaviour, including having entered into any agreement or arrangement, whether legally binding or not, with any other person, firm or company to refrain from tendering for this contract, or relating to the tender price to be submitted by either party;
 - 3.6.8. Has disclosed to any other person any information relating to this bid, except where disclosure, in confidence, was necessary to obtain quotations required for the preparation of the tender or required by law;
- 3.7. The OPFA may, in addition to any other legal recourse which it may have, cancel the contract between the OPFA and such a person and/or resolve that no tender from such a person will be considered for a specified period;
- 3.8. By submitting a bid in response to this tender, the bidder will be taken to have offered to render all or any of the services described in the bid response submitted by it to the OPFA

on the terms and conditions and in accordance with the specifications stipulated in this tender document.

- 3.9. The bidder agrees that the offer contained in its bid shall remain binding and receptive for acceptance by the OPFA during the bid validity period indicated in the tender and calculated from the bid closing date and its acceptances shall be subject to the terms and conditions contained in this tender document read with the bid.
- 3.10. The OPFA may amend any bid conditions, bid validity period, tender specifications, or extend the bid's closing date before the bid closing date. All bidders, to whom the tender documents have been issued and where the OPFA have a record of such bidders, may be advised in writing of such amendments in good time and any such changes will also be posted on the OPFA's website and e-tenders under the relevant tender information. All prospective bidders must, therefore, ensure that they visit the website regularly and before they submit their bid response to ensure that they are kept updated on any amendments in this regard.
- 3.11. The bidder accepts that all costs incurred in the preparation, presentation and submission of the bid shall be for the account of the bidder.
- 3.12. This bid is subject to terms and conditions specified in this bid document and read together with General Conditions of Contract .

4. PROTECTION OF PERSONAL INFORMATION

- 4.1. "Personal Information" means personal information as defined in the Protection of Personal Information Act, 2013 (Act No. 4 of 2013), as amended from time to time.
- 4.2. All information collected and submitted by the bidders will be used by the OPFA for the evaluation and adjudication of this bid to determine the bidders' suitability and compliance to deliver the services required. By submitting this bid the bidder gives consent for the OPFA to process their personal information provided by the bidder accordingly. The information submitted by the bidder shall be verified with relevant issuing institution(s).

- 4.3. Personal Information” (PI) shall mean the race, gender, sex, pregnancy, marital status, national or ethnic origin, colour, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language and birth of a person; information relating to the education or the medical, financial, criminal or employment history of the person; any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person; the biometric information of the person; the personal opinions, views or preferences of the person; correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; the views or opinions of another individual about the person whether the information is recorded electronically or otherwise.
- 4.4. For the purposes of this bid the parties (OPFA and respective bidders) will come into contact with or have access to PI and other information that may be classified or deemed as private or confidential and for which the other party is responsible. Such PI may also be deemed or considered as private and confidential as it relates to any third party who may be directly or indirectly associated with this bid. Further, it is acknowledged and agreed by the parties that they have the necessary consent to share or disclose the PI and that the information may have value.
- 4.5. The parties agree that they will at all times comply with POPIA’s Regulations and Codes of Conduct and that it shall only collect, use and process PI it comes into contact with pursuant to this bid in a lawful manner, and only to the extent required to evaluate and adjudicate the bid, and to perform their respective obligations in terms of this bid or agreement.
- 4.6. The bidder has a right to request the OPFA to correct, delete, and destroy its PI in terms of POPIA using form 2 of the POPIA Regulations. The bidder also has the right to object the processing of its PI using form 1 of the POPIA Regulations. The rights of the bidder as a data subject are contained in the OPFA POPIA Policy, which can be viewed on the OPFA website.
- 4.7. The parties agree that it shall put in place, and at all times maintain, appropriate physical, technological, and contractual security measures to ensure the protection and

INITIAL HERE	
--------------	--

confidentiality of PI that it, or its employees, its contractors or other authorised individuals comes into contact with pursuant to this agreement.

- 4.8. Notify each other immediately where it has reasonable grounds to believe that the Personal Information in respect of this agreement, which has been provided to it including any Personal Information which it has processed, has been lost, destroyed, or accessed or acquired by any unauthorised person.
- 4.9. Unless so required by law, the parties agree that it shall not disclose any PI as defined in POPIA to any third party without the prior written consent of the other party, notwithstanding anything to the contrary contained herein, shall any party transfer any PI out of the Republic of South Africa.
- 4.10. The bidder and OPFA will implement all the necessary processes and programs to ensure that all the data is secure at all times and not accessible by any unauthorised parties.

5. EVALUATION OF THE BID

5.1. Stage 1: Compliance with administrative requirements

Document that must be submitted	Non-submission may result in disqualification	
Master Bid Document	Yes	Provided
Electronic copy (USB /compact disc)	Yes	Same as the master bid document
Invitation to Bid – SBD 1	Yes	Duly completed and signed
CSD Registration	Yes	CSD registration number/Proof of CSD registration. If you are not registered proceed to complete the registration of your company prior to submitting your proposal. Visit https://secure.csd.gov.za/ to obtain your vendor number.
Pricing schedule	Yes	Duly completed.
SBD 4- Bidders Disclosure	Yes	Duly completed and signed.
SBD 6.1 Preference points claim form in terms of Preferential Procurement Regulation 2022	No	Duly completed and signed. Non-submission will lead to a zero (0) score for preference points
Adherence to the closing date and time	Yes	Submission by the due date and time.

5.2. Stage 2: Mandatory requirement

ACCREDITATION WITH RELEVANT)	Information submitted	
	Yes	NO
<p>The Directors/Partners must be qualified and admitted as an Attorneys</p> <p>Evidence required: <i>Certified Admission Certificate</i></p> <p>Reference to the supporting documents on the submission</p>		
<p>The bidder must submit certified proof of current valid Fidelity Fund Certificate.</p> <p><i>The certificate must be valid at the closing of the bid and during bid validity period.</i></p> <p>Reference to supporting documents on the submission</p>		
<p>The bidder must submit certified proof of a valid Letter of Good Standing with the Legal Practice Council.</p> <p><i>The certificate must be valid at the closing of the bid and during the bid validity period.</i></p> <p>Reference to supporting documents on the submission</p>		

5.3. Stage 3: Functionality evaluation criteria

5.3.1. Bidders are expected to obtain a minimum of seventy-five **(75)** points out of a hundred points available to proceed to the next evaluation for price and preference stage. Failure to obtain the prescribed points will automatically disqualify the bid offer from proceeding to the next evaluation stage.

#	EVALUATION CRITERIA	WEIGHT	SCORE	
1.	Availability of appropriate skills and resources to manage the contract. CV's of the assigned personnel to demonstrate skills and capabilities by showing current and previous work done as the well as number of years in the field relating to litigation and pension law. Points will be allocated for the number of years' experience of the director. Proof of evidence required : Bidders must provide CV of relevant key personnel.	20%	5	Seven years or above experience.
			4	Five to six years' experience
			3	Four years' experience
			2	One to three years' experience
			1	No relevant information provided
2.	Work performance on previous assignments successfully completed by the Firm in pension funds law over the last five consecutive years. Specific to the application of the Pension Funds Act 24 of 1956. Bidders must provide a reference letter(s) from previous employers/clients with a contactable reference clearly indicating the services rendered. Proof of evidence required: signed reference letters on the letterhead of the recommending institution	35%	5	Five or above successfully completed projects
			4	Four successfully completed projects
			3	Three successfully completed projects
			2	One to two successfully completed projects
			1	No relevant information provided
3.	Work performance on previous assignments successfully completed by the Firm in general litigation. Bidders must provide a reference letter(s) from previous employers/clients with a contactable reference clearly indicating the services rendered. Proof of evidence required: signed reference letters on the letterhead of the recommending institution .	10%	5	Five and above successfully completed projects
			4	Four successfully completed projects
			3	Three successfully completed projects
			2	One to Two successfully completed projects

#	EVALUATION CRITERIA	WEIGHT	SCORE	
			1	No relevant information provided
4.	<p>Methodology and Law Application</p> <p>In order for the OPFA to assess the bidder's level of competence relating to pension law, the bidder is required to provide a legal opinion to the OPFA on the following scenario/case study:</p> <p>On 5 September 2024, following the outcome of a disciplinary enquiry, Joe Soap was dismissed from his employment with ABC Company for misconduct related to the theft of goods valued at R50 000.00.</p> <p>As a result of his employment with ABC Company, Joe Soap was a member of XYZ Pension Fund. Mr Soap maintained his innocence throughout and refused to reimburse his employer for the amount of the goods allegedly stolen. In turn, his employer laid a criminal complaint of theft against Mr Soap and requested XYZ Pension Fund to withhold payment of his pension withdrawal benefit, which at the time amounted to R200,000.00. Mr Soap submitted a withdrawal form to XYZ Pension Fund but was told that his withdrawal benefit was being withheld pending the outcome of the criminal investigation against him. The SAPS had informed XYZ Pension Fund that it was about to summon Mr Soap to appear in Court – this was three months after Mr Soap had been dismissed. Mr Soap submitted a complaint to the OPFA requesting the OPFA to order XYZ Pension Fund to pay him the full value of his benefit immediately. Mr Soap added that he never admitted liability in writing for the theft of the goods nor was there any judgment obtained against him. Therefore, he submitted that there was no legal basis for his pension benefit to be withheld. Further, he argued that the employer was not entitled to withhold his benefit based on a criminal case and that he fully intended to fight the criminal case, which is why he</p>	35%	5	Bidder displayed excellent written communication and presentation skills as well as legal principles. All issues correctly identified, relevant legal authorities cited, legal principles correctly applied and correct conclusion reached on the identified issues.
			4	Bidder displayed above average excellent written communication, presentation skills as well as legal principles. Correctly identified, relevant legal authorities cited legal principles correctly applied, and correct conclusion reached on the identified issues.
			3	Bider demonstrated average knowledge of legal principle, written communication and presentation skills. Partly identified issues correctly, relevant legal authorities cited or legal principles correctly

#	EVALUATION CRITERIA	WEIGHT	SCORE	
	<p>needed his pension money to fund his legal fees. He also stated that he only discovered his benefit was being withheld when he contacted the fund to request payment. The fund had not informed him beforehand that his benefit was being withheld. XYZ Pension Fund and ABC Company responded to the complaint by confirming the above facts stating that the criminal case was about to commence. They submitted that they were accordingly entitled to withhold the benefit pending the outcome of the criminal case.</p> <p>Proof of evidence required: Detailed methodology addressing the case study.</p>			applied and correct conclusion reached on the identified issues
			2	Bidder displayed below average, written communication, presentation skills as well as legal principles. Incorrectly identified, relevant legal authorities cited irrelevant legal principles applied and/or incorrect conclusion reached on the identified issues.
			1	Bidder incorrectly identified issues, cited irrelevant legal authorities, applied legal principles incorrectly and incorrect conclusion reached on the identified issues / No relevant information provided
TOTAL		100%		

5.4. Evaluation stage 4 : Price and preference point system

5.4.1. Only Bidders who have met and exceeded the 75-points threshold in stage 3 will be evaluated for price and preference points.

5.4.2. The 80/20 preference point system shall be applicable to this bid, where 80 points represent maximum obtainable points for the lowest acceptable price, and 20 points represent the specific goals. Points will be awarded to a bidder for attaining the specific goals outlined in accordance with the table below:

#	Specific Goals of Preference	Proof/ Evidence required	Points Allocation
1	51% or more ownership by black people	CSD report/B-BBEE Certificate or Sworn Affidavit, CIPC Report	5
2	51% or more ownership by black women	CSD report/B-BBEE Certificate or Sworn Affidavit, CIPC Report	5
3	30% or more ownership by people living with disabilities	CSD report/B-BBEE Certificate or Sworn Affidavit, CIPC Report	3
4	30% or more ownership by youth	CSD report/B-BBEE Certificate or Sworn Affidavit, CIPC Report	3
5	EME/QSE	CSD report/B-BBEE Certificate or Sworn Affidavit, CIPC Report	4
TOTAL POINTS			20

6. ENQUIRIES REGARDING TENDER

6.1. Any questions regarding this tender shall be submitted in writing to the official mentioned in the Tender Notice, enquiries must be sent to tenders@pfa.org.za

7. TENDER BRIEFING

- 7.1. There will be no tender briefing on this project; for any enquiries/clarity bidders must send enquiries to the designated email by not later than **02 July 2025** to allow the OPFA opportunity to respond to enquiries. Enquiries received after the specified date will not be responded to.

8. TENDER SUBMISSIONS

- 8.1. Completed documents with supporting annexures shall be packaged, sealed, clearly marked, and submitted on or before the closing date and time: 09 July 2025 at 11H00.

- 8.2. Bids must be hand delivered to the OPFA's address as follows.

41 Matroosberg Road, Riverwalk Office Park
Block A, Fourth (4th) Floor
Ashlea Gardens , Pretoria

- 8.3. Late submissions and bids submitted by means of e-mail, telegram, telex facsimile, electronic or similar means shall not be considered.

- 8.4. It is the responsibility of the bidder to ensure that the bid is submitted to the correct address. On submission bidders should ensure they complete a tender register to confirm submission at OPFA Reception on 4th Floor.

9. TENDER SUBMISSION FORMAT

- 9.1. The OPFA requires one original copy of the bid completed bid document and supporting documents (**hard copy**) and one soft copy in a memory stick or compact disc. All submissions must be made as per paragraph 10 above.

10. REGISTRATION WITH CENTRAL SUPPLIER DATABASE

- 10.1. The OPFA will not award any bid to a supplier who is not registered as a prospective supplier on the Central Supplier Database (CSD) as required in terms of National Treasury National Treasury SCM Instruction Note 4A of 2016/2017.

11. BID VALIDITY PERIOD

11.1. The bid validity period will be one hundred and twenty days from the closing of the tender.

12. ADDITIONAL INFORMATION REQUIRED

12.1. The following additional information is required:

- A sworn declaration and/or proof that a bidder:
- Is not participating and contributing to any retirement fund for its employees
- Is participating and contributing to a pension or provident fund and contributions are not in arrears. As proof, a confirmation of their contribution status from their retirement fund administrator must be submitted together with the declaration.

13. PRICING SCHEDULE

- 13.1. For the purposes of bid evaluation, this pricing schedule is mandatory the bidder must provide only one rate of the professional services to be assigned to the OPFA.
- 13.2. The hours indicated below are indicative and actual hours will be billed.
- 13.3. In addition to the pricing schedule below, the bidder must provide an annexure of other professional and applicable rates. For travelling purpose, the OPFA will apply AA rates where travelling is required.

Positions		Rate per Hour excl VAT	Estimated number of hours per annum	Total per annum
Director	Year 1		500	
	Year 2		500	
	Year 3		500	
TOTAL FOR THREE YEARS EXCL VAT				
VAT				
GRAND TOTAL (BID OFFER)				

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE OFFICE OF PENSION FUNDS
ADJUDICATOR**

BID NUMBER:	OPFA/LS/012025	CLOSING DATE:09 JULY 2025	CLOSING TIME:	11:00
----------------	-----------------------	----------------------------------	----------------------	--------------

DESCRIPTION
APPOINTMENT OF LEGAL SERVICES PANEL FOR A PERIOD OF 36 MONTHS

BID RESPONSE DOCUMENTS MUST BE SUBMITTED (PHYSICALLY)

**BID MUST BE SUBMITTED TO: 41 MATROOSBERG ROAD, RIVERWALK OFFICE PARK, ASHLEA
GARDENS, 0081,
4TH FLOOR BLOCK A**

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO **TECHNICAL ENQUIRIES MAY BE DIRECTED TO:**

CONTACT PERSON	Magadi Tshitannye	CONTACT PERSON	Magadi Tshitannye
TELEPHONE NUMBER	012 748 4000	TELEPHONE NUMBER	012 748 4000
FACSIMILE NUMBER		FACSIMILE NUMBER	
E-MAIL ADDRESS	tenders@pfa.org.za	E-MAIL ADDRESS	tenders@pfa.org.za

SUPPLIER INFORMATION

NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				
SUPPLIER COMPLIANCE STATUS	TAX COMPLIAN CE SYSTEM PIN:		OR	CENTRA L SUPPLIE R DATABA SE No: MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] Yes No		SWORN AFFIDAVIT	[TICK APPLICABLE BOX] Yes No

**[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE
SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]**

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	Yes No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS/SERVICES /WORKS OFFERED?	Yes No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
---	--	--	---

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐
YES ☐ NO

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

☐

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

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

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?
YES ☐ NO

☐

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

INITIAL HERE	
--------------	--

PART 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 IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, **2022**, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

2. TAX COMPLIANCE REQUIREMENTS

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

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

SIGNATURE OF BIDDER:

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

DATE:.....

SBD 4: BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

1.1. 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.

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

2. BIDDER'S DECLARATION

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

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

Full Name	Identity Number	Name of State institution

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

2.2.1 If so, furnish particulars:

.....
.....

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

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 consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 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.

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

- 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

SBD6.1 PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

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

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

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to invitations to tender
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2 **To be completed by the organ of state**
- a) The applicable preference point system for this tender is the 80/20 preference point system.
- 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
- (a) Price; and
- (b) Specific Goals.
- 1.4 **To be completed by the organ of state:**
- The maximum points for this tender are allocated as follows:
- | | POINTS |
|--|---------------|
| PRICE | 80 |
| SPECIFIC GOALS | 20 |
| Total points for Price and SPECIFIC GOALS | 100 |
- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

80/20	or	90/10
$Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$	or	$Ps = 90 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$

Where

- Ps = Points scored for 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:

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

Where

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

4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

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

The specific goals allocated points in terms of this tender	Number of points Allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
51% or more ownership by black people	5	
51% or more ownership by black women	5	
30% or more ownership by people living with disabilities	3	
30% or more ownership by youth	3	
EME/QSE	4	
Total points allocated	20	
Number of points claimed by the bidder		

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

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

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

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

.....