



REQUEST FOR PROPOSALS

RFP NUMBER : SHRA/RFQ/ADMIN/39/202324

CLOSING DATE : Thursday 7th of March 2024

TIME : 12h00

DESCRIPTION : Appointment of a suitably qualified service provider to provide company secretarial services at the Social Housing Regulatory Authority (SHRA) for a period of six (6) months

BRIEFING:

Yes

☐

No

X

☒

DOCUMENTS IN THIS BID DOCUMENT PACK

Bidders are to ensure that they have received all pages of this document, which consist of the following documents:

SECTION A

1. Background
2. RFP Submission Conditions and Instructions
3. Terms of Reference
4. Evaluation Process
5. Evaluation Criteria

SECTION B

1. Special Conditions of Bid and Contract
2. General Conditions of Contract (Annexure A)
3. Invitation to Quote (SBD 1)
4. Pricing Schedule (SBD 3.3)
5. Declaration of Interest (SBD 4)
6. Preference Points Claim form in terms of Preferential Procurement Regulations 2022 (SBD 6.1)
7. Submission Checklist

SECTION A

1. BACKGROUND

The Social Housing Regulatory Authority ("SHRA") was established by the National Department of Human Settlements as prescribed by the Social Housing Act (Act 16 of 2008). The SHRA is classified as a national public entity listed under Schedule 3A of the Public Finance Management Act (Act 1 of 1999) ("PFMA").

1.1 MISSION

To ensure there is quality housing for lower- to middle-income households in integrated settlements by investing in, enabling, regulating and transforming the affordable social housing rental market.

1.2 VISION

To create an integrated South Africa where citizens live a good quality life in well-located, affordable, and quality rental homes.

1.3 FUNCTIONS

- Promote the development and awareness of social housing by providing an enabling environment for the growth and development of the social housing sector.
- Provide advice and support to the Department of Human Settlements in its development of policy for the social housing sector and facilitate national social housing programmes
- Provide best practice information and research on the status of the social housing sector
- Support provincial governments with the approval of project applications by social housing institutions
- Provide assistance, when requested, with the process of the designation of restructuring zones
- Enter into agreements with provincial governments and the National Housing Finance Corporation to ensure the co-ordinated exercise of powers

2. RFP SUBMISSION CONDITIONS AND INSTRUCTIONS

2.1 FRAUD AND CORRUPTION

2.1.1 All bidders are to take note of the implications of contravening the Prevention and Combating of Corrupt Activities Act, Act No 12 of 2004 and any other Act applicable.

2.2 COMPULSORY BRIEFING SESSION

2.2.1 There is no compulsory briefing session for this Request for Proposals.

2.3 CLARIFICATIONS/QUERIES

2.3.1 Any clarification required by a bidder regarding the meaning or interpretation of the Terms of Reference, or any other aspect concerning the bid, is to be requested in writing (e-mail) from Mr Katlego Panana at scm03@shra.org.za by **Tuesday the 5th of March 2024 at 12H00.** The RFP **number** should be mentioned in all correspondence. **Telephonic requests for clarification will not be accepted.** If appropriate, the clarifying information will be made available to all bidders by e-mail only.

2.4 SUBMITTING BIDS

2.4.1 The proposals should be emailed to:
Ms Katlego Panana
Scm03@shra.org.za

Bids should be email in the following manner, marked with:

- SHRA/RFP/ADMIN/39/202324
- Closing date and time: Thursday 7th of March 2024 at 12h00
- The name and address of the bidder

Documents submitted on time by bidders shall not be returned.

2.5 LATE BIDS

2.1.1 Proposals received late shall not be considered. A proposal will be considered late if it arrived only one second after 12h00 or any time thereafter. Proposals arriving late will not be considered under any circumstances and shall deleted unopened. Bidders are therefore strongly advised to ensure that bids be emailed allowing enough time for any unforeseen events that may delay the delivery of the attachments.

2.6 FORMAT OF BIDS

2.6.1 Bidders must complete all the necessary bid documents and undertakings required in this bid document. Bidders are advised that their bid should be concise, written in plain English and simply presented.

2.6.2 Bidders are to set out their bid in the following format:

- Part 1: Invitation to Bid
- Part 2: Pricing Schedule
- Part 3: Declaration of interest
- Part 4: Preference Points Claim Form in terms of the Preferential Procurement Regulations 2022
- Part 5: Original or certified copy of a valid BBEE Certificate/ Sworn Affidavit
- Part 6: General conditions of Contract
- Part 7: Technical Approach
- Part 8: Submitted the Details of the team and included their CV
- Part 9: Experience in this field
- Part 10: Bidders National Treasury Central Supplier Database (CSD) Forms indicating the validity of bidder's registration

Part 1: Invitation to Bid

Bidders must complete and submit the Invitation to Bid document.

Part 2: Pricing Schedule

Bidders must complete and submit the pricing schedule document.

The appointed Service Provider will:

- Claim travel costs applicable to this contract as per the AA rates
- Book only economy class flight and preferably Group B are to be used for Service Providers.
- Book accommodation in line with the allowable rates as published by the National Treasury in Instruction Note 7 of 2022/23.

Part 3: Declaration of Interest

Each party to the bid must complete and submit the Declaration of Interest.

Part 4: Preference Points Claim Form in terms of the Preferential Procurement Regulations 2022.

Bidders must complete and submit the Preference Points Claim Form.

A trust, consortium or joint venture:

- ☐ will qualify for points for their specific goals as a legal entity, provided that the entity submits their valid B-BBEE certificate OR a sworn affidavit in terms of the Amended B-BBEE Codes from

Exempted Micro Enterprises (EMEs) of R10 000 000 annual turnover.

- ☐ will qualify for points for their specific goals as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

Part 5: Broad Based Black Economic Empowerment Certificate

Bidders are to submit an Original/Certified copy of a valid BBEE Certificate.

- ☐ A trust, consortium or joint venture will qualify for points for their specific goals as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid. OR a sworn affidavit in terms of the Amended B-BBEE Codes from Exempted Micro Enterprises (EMEs) of R10 000 000 annual turnover.

Part 6: General Conditions of Contract

Bidders must initial each page of the General Conditions of Contract and submit with their bid document.

Part 7: Technical approach

Bidder must at least:

Describe, in detail, exactly how they propose to carry out the activities to achieve the outcomes identified in the terms of reference. Bidders are required to have the basic office equipment and the resource/s (which must include, laptop, 3G connection, landline, own office with the basic office equipment) will be located within the region where the work will be done. They should identify any possible problems that might hinder delivery and indicate how they will avoid or overcome such problems.

Describe how the work will be managed. Provide an organisation chart clearly indicating:

- ☐ The lines of reporting and supervision within the bidder's team.
- ☐ The lines of reporting between the bidder and SHRA.

Identify the position(s) involved in the direct delivery of the service to be provided and in the overall management of the work and name the people who will fill these positions.

Describe the tasks, duties, or functions to be performed by staff in these positions.

Indicate the number of hours required to complete each task and the number of hours to be provided by each team member. The bidder must be able to work within strict timelines and have the capacity to do so.

Provide information on any additional value-added services for consideration by SHRA, and which will form part of the overall proposed solution. Please note that the additional value ads must be priced separately in the space provided for in the pricing schedule.

Bidders are to present such information in a matrix. The following is provided merely as guidance. Bidders are free to elaborate as they see fit.

Outcome/output	Activity	Team member(s) involved (name and position)	Person days for each team member	Total person days

Provide a work plan of activities. In addition to providing details of the estimated number of workdays for each activity, bidders are to supply a detailed timetable that identifies when certain activities will be undertaken and over what period they will be spread. The timing of activities, the time needed to complete them, and the order in which they will be undertaken must be explained and justified.

Please note that part 10 should be no longer than 10 single-sided A4 pages in Arial 11 (font size).

Part 8: Team Details

The bidder must provide:

- ☐ A comprehensive curriculum vita (relevant to this bid and limited to two pages). In particular, the CV must highlight the team member(s) experience and qualifications to carry out the work

Part 9: Experience in this field

It is essential the service provider displays:

- ☐ Experience as set out in the terms of reference
- ☐ The Bidder must provide at least three (3) reference letters on company letterheads of previous clients where the Bidder provided similar services.

Part 10: Bidders National Treasury Central Supplier Database (CSD) Forms indicating the validity of bidder's registration

Bidders to submit confirmation from the National Treasury:

- a. Supplier Number
- b. Unique Registration Reference Number

2.7 PRESENTATIONS

2.7.1 SHRA reserves the right to invite Bidders for presentations before the award of this Bid. Only Bidders who have met the minimum functionality criteria will be invited to presentation.

2.8 NEGOTIATION

2.8.1 SHRA has the right to enter into negotiation with a prospective service provider regarding any terms and conditions, including price(s), of a proposed contract.

2.8.2 SHRA shall not be obliged to accept the lowest of any quotation, offer or bid.

2.8.3 SHRA, issues this bid invitation in good faith; however, it reserves the right to:

- ☐ Cancel or delay the selection process at any time, without explanation,
- ☐ Not to select any of the respondents to this bid invitation, without explanation,
- ☐ Exclude certain services, without explanation.

2.8.4 All bidders will be informed whether they have been successful or not. A contract will only be deemed to be concluded when reduced to writing in a contract form signed by the designated responsible person of both parties. The designated responsible person of SHRA is the Chief Executive Officer or his/her written authorised delegate.

2.9 REASONS FOR REJECTION

2.9.1 SHRA shall reject a bid for the award of a contract if the recommended bidder has committed a proven corrupt or fraudulent act in competing for the particular contract.

2.9.2 SHRA may disregard the bid of any bidder if that bidder, or any of its directors:

- 2.9.2.1 have abused the Supply Chain Management systems of SHRA.
- 2.9.2.2 have committed proven fraud or any other improper conduct in relation to such systems.
- 2.9.2.3 have failed to perform on any previous contract and the proof exists.

2.9.3 Such actions shall be communicated to the National Treasury after following the blacklisting process.

3. TERMS OF REFERENCE

INTRODUCTION

The SHRA was established in August 2010 by the Minister of Human Settlements as per the Social Housing Act, No 16 of 2008.

SHRA is a public entity in terms of Schedule 3A of the Public Finance Management Act, No. 1 of 1999 (PFMA). Social housing is state subsidised rental housing targeted at low to medium income groups earning between R1850-R22000. The purpose of social housing is to contribute to the national priority of restructuring South African society in order to address structural, economic, social and spatial dysfunctionalities. Social housing therefore contributes to widening the range of housing options available to the poor.

The SHRA has five (5) Council sub-committees:

- Audit and Risk Committee (“ARC”)
- Project Development and Funding Committee (“PDF”)
- Human Resources and Remuneration Committee (“HRRC”)
- Compliance Accreditation and Regulations Committee (“CAR”)
- Social and Ethics Committee (“SEC”)

The committees meet quarterly, prior to the Council meeting.

4. OBJECTIVE

The SHRA seeks to appoint a service provider to provide Company Secretarial Services to its Council (Board), and Committee for a period of six (6) months. The resource deployed will be required to be based at the SHRA Head office situated at Parktown in Johannesburg. The resource will be provided with the required tools of trade, which will be returned upon expiration of the contract.

The overall service is to fulfil the Company Secretary duties and responsibilities of ensuring the Council and its subcommittees meet all policy, legislated and regulatory corporate governance and compliance requirements applicable to the SHRA and maintains its relevant legislative and regulatory knowledge levels. To also serve as the liaison between the Council, the Minister of Human Settlements, management of the SHRA and all applicable state organs, relevant legal authorities, advisory bodies and stakeholders on governance and legal matters.

5. SCOPE of WORK

The successful Service Provider will be responsible for the following:

- ❖ **Business Strategy Leadership**
 - Participate in developing the SHRA Strategy through participating in the strategy workshops and interventions, providing input and feedback and submitting relevant strategic input and documentation required for the final strategy by the agreed deadline.
 - Participate in developing the Annual Performance Plan (APP) and business plans that are aligned with the SHRA Strategy and Mandate through participating in the workshops and interventions, providing input and feedback and submitting relevant input and documentation required for the final approved plan by the agreed deadline
 - Communicate the APP and business plans with all relevant employees and stakeholders through formal and informal discussions and presentations by the agreed deadline
 - Manage that SHRA policies and procedures are updated annually in line with the policy deadlines by scheduling the policy review deadlines, coordinating that policies are reviewed and updated versions are presented, identifying opportunities for improvement, coordinating that policies are updated and approved by Council annually
 - Manage that the Corporate Governance policies are reviewed and updated annually by reviewing, updating and submitting for approval by Council within the policy review deadline annually
 - Manage that corporate governance and Council risks are managed by identifying risks, placing them on the risk register, developing and implementing mitigation strategies and managing that risks are monitored on an ongoing basis and reported on quarterly
 - Resolve challenges hindering or threatening the successful achievement of the corporate governance objectives through identifying the challenges, diagnosing the issues, addressing the issues and resolving daily and monthly
 - Advise the Council members and EXCO collectively and individually about how to fulfil their fiduciary duties
- ❖ **Corporate Governance**
 - Facilitate the conclusion of the shareholder compact by engaging with the shareholder, drafting a compact, engaging with the shareholder and finalising the compact as required
 - Research and maintain knowledge and expertise on related company and governance legislation and requirements by tracking legislation changes, participating in relevant forums and engaging with relevant stakeholders monthly
 - Manage that Council and Sub-Committees are fully updated and educated on relevant legislation and amendments by developing

- communications, distributing to Council and its Sub-Committees and coordinating training sessions as required and within agreed SLA
- Provide legal advice to the Board, its Committees and Exco in the execution of their responsibilities
- Advise and track progress on Council and Sub-Committees structural and governance compliance requirements and decisions by participating in Council discussions and relevant fora, tracking actions listed on minutes and providing feedback as required
- Develop, review and maintain corporate governance policies and procedures (including but not limited to the Council Charter, Limits of Authority and relevant Terms of Reference of the Council and Sub Committee's) at required standard and within deadline
- Manage that all Council and its Sub-Committees decisions and actions are compliantly made and recorded by implementing relevant support structures and managing that appropriate quality and standards of support are provided as required
- Facilitate effective relationships and communication between the Council, Executive Management, Parliament and the Department by facilitating effective information sharing sessions and coordinating that messages transferred are consistent and accurate as required
- Identify and escalate potential corporate governance risks by evaluating corporate governance practice, engaging, participating and researching governance fora and information and escalating as per approved procedure within agreed turnaround time
- Report on compliance by reviewing compliance in line with the standards, drafting the reports and submitting for approval, identifying anomalies and implementing corrective action quarterly
- Coordinate the Council performance evaluation process by preparing documentation, communicating with Council members, tracking completion, collating reviews, analysing information and drafting a report for discussion annually
- Provide expert advice to the Council on company governance, ethics and compliance requirements in accordance with statutory and regulatory governance
- Act as a compliance and ethics officer for the SHRA on compliance matters.
- ❖ Council and Sub-Committee Administration and Support
 - Draft terms of reference for the Council and Sub-committees by reviewing good practices, drafting documents, tabling for discussion, implementing amendments and finalising as required
 - Develop, update and conduct Council induction for new Council and Sub-Committee Members by scheduling, conducting and checking for understanding and application as required
 - Annually develop, update and implement an approved Council and Sub-Committees Administration Framework (with attached templates) to facilitate compliant administration practices, including but not limited to:

- Council and Sub-Committees packs
 - Agenda's
 - Minutes and
 - Schedules
 - Manage that Council and Sub-Committees Administration is completed on time and to standard for all Council and Council Sub-Committee meetings
 - Manage that Council and Sub-Committees decisions and actions are documented, communicated (when applicable) and tracked in the approved method and within the agreed SLA
 - Manage that all Council and Council Sub-Committee documents are stored and managed according to the required security standards by monitoring filing and general document management monthly
 - Maintain the contracts, resolutions and master files by creating the files, categorising and storing documents in the files, tracking documents and updating files monthly and as required
 - Manage that Council and Council Sub-Committee meetings are scheduled, coordinated, travel is arranged and meetings are conducted within compliant and approved timelines
 - Manage the Council and Sub-Committees budget by tracking and expenditure and addressing non-compliance within defined procedure and timelines
- ❖ Compliance Management
- Compile a Compliance Framework
 - Manage the implementation of compliance within established policies, systems, procedures, processes and practices
 - Provide advice and assistance to others in order to ensure their compliance with policy and governance procedures
 - Monitor and Identify areas of non-compliance and implement corrective action
 - Monitor all legislative, regulatory and corporate governance developments that might affect the SHRA's operations, and ensure that the Council is fully briefed on these
 - Ensure compliance with all statutory and regulatory requirements
 - Compile, update and manage a comprehensive policy register
 - Develop and distribute Delegations of Authority providing advice regarding its content
 - Monitor that the correct procedures are followed during the appointment of Council members by the Minister
 - Develop and implement a Board and Board Committee induction training
 - Ensure communication of Board decisions and monitor progress in so far as communication to staff and management
 - Co-ordinate Annual performance evaluation of the CEO, and annual evaluation of Council and Council members

- Manage all Council payments
- Ensure that Council personnel files are updated and well maintained

6. REQUIREMENTS

- Bidder must have five (5) years' experience in providing company secretarial services, preferably to government organisations by submitting a company profile and company registration documents.
- Qualifications and Experience of the designated resource
 - Post Graduate Degree in law or Equivalent (NQF 8)
 - Preferably an Admitted Attorney.
 - Chartered Secretary qualification (CSSA) would be an added advantage.
 - Relevant knowledge and experience of the King Codes will be an advantage.
 - Seven (7) years Company Secretary experience, preferably in a regulatory environment.
 - Availability of the resource from the 25 March 2024.
 - Five (5) years Public Sector experience.

7. PRICING SCHEDULE

The following requirements must be included in the proposals:

- ❖ Rate per day i.e. 8 to 9 hours of work per day.
- ❖ The SHRA will not pay for weekends, public holidays and time away from work.

8. TIME FRAME

This vacancy is for a six-month temporary position to be filled from 25 March 2024.

9. PRICING

NB: Service Providers are requested to provide an all-inclusive placement fee (inclusive of all agency and response handling costs).

The quotation must be submitted not later than 7th of March at 12h00 on your business letterhead and emailed:

- e-mailed to scm03@shra.org.za;

The following conditions will apply:

- Price quoted must be valid for at least sixty (60) days from the date of your offer;
- Price quoted must be firm and must be **inclusive of VAT**;
- Failure to comply with the above conditions may invalidate your offer.

10. EVALUATION PROCESS

4.1 COMPLIANCE WITH MINIMUM REQUIREMENTS

4.1.1 All bids duly lodged will be examined to determine compliance with bidding requirements and conditions. Bids with obvious deviations from the requirements/conditions, will be eliminated from further adjudication.

4.2 PRE-QUALIFICATION CRITERIA FOR PREFERENTIAL PROCUREMENT

4.2.1 As per the preferential Procurement Regulations (PPR) 2022, the SHRA is applying Pre-Qualification Criteria in this bid in an effort to advance certain designated groups.

4.3 FUNCTIONALITY, PRICE, AND PREFERENCE POINTS

4.3.1 All remaining bids will be evaluated as follows:

4.3.2 The functionality calculation will be done based on the defined criteria and weighting thereof. Functionality will be scored out of a 100. If it is deemed necessary, presentations maybe held with Bidders who have met the minimum functionality criteria. If presentations are held, the functionality score will be adjusted whereby 80 percent will be awarded for the functionality evaluation and 20 percent will be for presentation score. **If a bidder fails to score a minimum of 70% out of 100% for functionality, the bid will be disregarded from further consideration.**

4.3.3 The second part will then be done on the 80/20 split whereby (80) points will be awarded for price and 20 points will be awarded for specific goals.

4.4 ELIMINATION OF BIDS ON GROUNDS OF FUNCTIONALITY

4.4.1 Bids that score less than 70% of the 100% available for functionality will be eliminated from further consideration. Points will therefore not be awarded for their cost bids or specific goals.

4.4.2 The percentage scored for functionality should be calculated as follows:

4.4.3 Each panel member shall award values for each individual criterion on a score sheet. The value scored for each criterion shall be multiplied with the specified weighting for the relevant criterion to obtain the marks scored for the various criteria. These marks should be added to obtain the total score. The following formula should then be used to convert the total score to a percentage for functionality:

$$Ps = \frac{So}{Ms} \times Ap$$

where

Ps = percentage scored for functionality by bid/bid under consideration

So = total score of bid/bid under consideration

Ms = maximum possible score

Ap = percentage allocated for functionality

The percentages of each panel member shall be added together and divided by the number of panel members to establish the average percentage obtained by each individual bidder for functionality.

After calculation of the percentage for functionality, the prices of all bids that obtained the minimum score for functionality should be taken into consideration.

4.5 PRESENTATIONS

4.5.1 SHRA may decide to have compulsory presentations made by Bidders who met the minimum functionality criteria once the functionality score has been calculated.

4.5.2 Presentations shall only affect the marks awarded for functionality. If SHRA wishes to use presentations as an additional selection criterion between bidders, the evaluation criteria to be affected shall be determined in advance and due allowance made in the mark scheme.

4.5.3 If the date of the presentation meeting is not indicated in the bid document, at least three days' notice will be given to bidders required to attend a presentation.

4.5.4 Presentations will be made to the full Evaluation Committee.

4.5.5 Points determined by the presentation will be awarded to each bidder by each member of the Evaluation Committee and then an average calculated.

4.6 AWARDING OF PREFERENCES POINTS

4.6.1 Points for specific goals will be awarded according to the table indicated in the preference points claim form(s).

4.7 COMBINING PRICE AND PREFERENCE POINTS

4.7.1 The specific goals marks for each bid will now be added to the price points for that bid

4.7.2 The Evaluation Committee may recommend that the contract be awarded to the bidder obtaining the highest aggregate mark as determined by 4.5.1 or to a lower scoring bid based on firm, verifiable and justifiable grounds.

4.8 ADJUDICATION OF BID

4.8.1 The Adjudication Committee will consider the recommendations and make the final award. The successful bidder will be the bidder that scores the highest points on the 80/20 evaluation principle unless justifiable reasons exist to award to another bidder.

11. EVALUATION CRITERIA

5.1 Functionality Evaluation

All proposals will be evaluated on the criteria provided in the table below. The proposals of all training providers will be rated on a scale of 1 to 5.

- 1: Unacceptable, does not meet set criteria
- 2: Weak, less than acceptable. Insufficient for performance requirements
- 3: Satisfactory should be adequate for stated element
- 4: Very good, above average compliance to the requirement
- 5: Exceptional mastery of the requirement should ensure extremely effective performance

ELEMENT	FUNCTIONALITY EVALUATION		FUNCTIONALITY WEIGHT	PRESENTATION WEIGHT (IF APPLICABLE)	TOTAL SCORE
Proposed Technical approach and methodology of the bidder:	Rating out of 5	Evaluation criteria	20%		
Bidders understanding of the scope of work (5 points) ;	1	Scope of work is referred to but is inaccurate or no scope is included			
	2	Bidder has simply Copy and pasted the Scope as per TOR or the Proposal misses some elements prescribed in the Scope and not sufficient to convince that the bidder has own understanding of this assignment			
	3	Reference to the full scope of work which demonstrates that the bidder has full and independent understanding of the assignment and therefore adequately satisfies that they have full grasp of the assignment			
	4	Reference to the full scope of work, written in own words and provision of examples of similar type of projects the bidder has undertaken in the past			
	5	Reference to the full scope of work, written in own words and provision of examples of similar type of projects the bidder has undertaken in the past and includes value add elements (at no additional cost) which have not been prescribed in the scope			
Detailed methodology as to how the scope of work will be executed with timeframes (15 points) ;	1	No clear outline of proposed methodology or one that is there is inaccurate doesn't align to prescribed scope			
	2	Proposed methodology misses elements of scope or is very brief doesn't enable satisfactory judgement of a good quality methodology			
	3	Methodology that sufficiently covers full scope of work, required high-level timeframes and specific deliverables			
	4	Methodology that includes the full scope of work, required timeframes and deliverables. Inclusion of a project plan which indicates detailed activities and timeframes that adhere to the terms of reference.			
	5	Methodology that includes the full scope of work, required timeframes and deliverables. Inclusion of a project Workplan which indicates activities and timeframes that adhere to the terms of reference. Project plan also includes a matrix which shows how the activities will result in specific deliverables and team members/ resources			

ELEMENT	FUNCTIONALITY EVALUATION		FUNCTIONALITY WEIGHT	PRESENTATION WEIGHT (IF APPLICABLE)	TOTAL SCORE
<u>Demonstrable Bidder's Experience:</u> Company should demonstrate extensive experience in providing company secretarial services, preferably to government organisations by submitting a company profile and company registration documents (30 points)		accountable for such milestones			
	1	1-2 years' experience in providing company secretarial services, preferably to government organisations by submitting a company profile and company registration documents			
	2	3-4 years' experience in providing company secretarial services, preferably to government organisations by submitting a company profile and company registration documents			
	3	5 years' experience in providing company secretarial services, preferably to government organisations by submitting a company profile and company registration documents			
	4	6-9 years' experience in providing company secretarial services, preferably to government organisations by submitting a company profile and company registration documents			
	5	10+ years' in providing company secretarial services, preferably to government organisations by submitting a company profile and company registration documents			

ELEMENT	FUNCTIONALITY EVALUATION		FUNCTIONALITY WEIGHT	PRESENTATIONS WEIGHT (IF APPLICABLE)	TOTAL SCORE
Suitability of the proposed team, and experience:	Rating out of 5	Evaluation criteria	50%		
<u>Designated Resource</u> <ul style="list-style-type: none"> • Post Graduate Degree in law or Equivalent (NQF 8) • Preferably an Admitted Attorney. • Preferably Chartered Secretary qualification (CSSA) • 7 years Company Secretary experience, preferably in a regulatory environment. • 5 years Public Sector experience. <p>The bidder must submit a CV highlighting experience in Board Secretariat Services, and certified copies of certificates.</p> (20 Points)	1	Designated Resource meets only 1 requirement.			
	2	Designated Resource meets only 2 requirements.			
	3	Designated Resource meets only 3 requirements.			
	4	Designated Resource meets only 4 of the requirements.			
	5	Designated Resource meets all 5 requirements.			
Reference Letters	Rating out of 5	Evaluation criteria			

ELEMENT	FUNCTIONALITY EVALUATION		FUNCTIONALITY WEIGHT	PRESENTATIONS WEIGHT (IF APPLICABLE)	TOTAL SCORE
Availability of the resource from the date of appointment. (20 Points)	1	Less than 2 weeks of availability from the date of appointment.	20%		
	2	Less than a week of availability from the date of appointment.			
	3	Available in 2 days from the date of appointment			
	4	Available in 1 day from the date of appointment			
	5	Available immediately			
Reference Letters	Rating out of 5		10%		
Track record of the company (Reference Letters) - minimum of three (3) signed reference letters on the client's letterhead, indicating the duration of the project, dates, be on the client's letterhead, contact details of the client, and project description. These should show the service provider has undertaken similar assignments above (within the past five (5) years (from the closing date of this request.) (10 Points)	1	No letters Included in the submission			
	2	1-2 letters included in the submission			
	3	3 letters included in the submission			
	4	4-5 letters included in the submission			
	5	6+ letters or more included in the submission			
TOTAL POINTS	100		100%		

SECTION B

1. SPECIAL CONDITIONS OF CONTRACT

1.1. GENERAL

- 1.1.1. Proper bids for the services specified must be submitted.

1.2. ADDITIONAL INFORMATION REQUIREMENTS

- 1.2.1. During evaluation of the bids, additional information maybe requested in writing from Bidders. Replies to such request must be submitted in writing, within five (5) working days or as otherwise indicated. Failure to comply may lead to your bid being disregarded.

1.3. CONFIDENTIALITY

- 1.3.1. The bid and all information in connection therewith shall be held in strict confidence by bidders and usage of such information shall be limited to the preparation of the bid. Bidders shall undertake to limit the number of copies of this document.
- 1.3.2. All bidders are bound by a confidentially agreement preventing the unauthorised disclosure of any information regarding the SHRA or of its activities to any other organisation or individual. The bidders may not disclose any information, documentation, or products to other clients without written approval of the accounting authority or the delegate.

1.4. INTELLECTUAL PROPERTY, INVENTIONS AND COPYRIGHT

- 1.4.1. Copyright of all documentation relating to this contract belongs to the SHRA. The successful bidder may not disclose any information, documentation, or products to other clients without the written approval of the accounting authority or the delegate.
- 1.4.2. All the intellectual property (IP) rights arising from the execution of this Agreement shall vest in SHRA and the Service provider undertakes to honour such intellectual property rights and all future rights by keeping the know-how and all published and unpublished material confidential.
- 1.4.3. In the event that the service provider would like to use information or data generated by the service, the prior written permission must be obtained from SHRA.
- 1.4.4. SHRA shall own all materials produced by the Service provider during the course of this contract, or as part of the service including without limitation, deliverables, computer programmes (source code and object code), programming aids and tools, documentation, reports,

data, designs, concepts and other information whether capable of being copyrighted or not ("IP").

1.4.5. The Service provider assigns all IP rights in respect of all materials referred to in clause 1.4.4 to SHRA. No other document needs to be executed to give effect to this cession, assignment or transfer.

1.4.6. The Service provider hereby irrevocably cedes, assigns and transfers to SHRA, as SHRA directs, all rights, title and interest in and to all IP (which includes, but is not limited to methodologies and products) connected with or applicable to the Services.

1.4.7. The Service provider acknowledges and agrees that:

1.4.7.1. Each provision of clause 1.3 is separate, severally and separately enforceable from any other provisions of this agreement.

1.4.7.2. The invalidity or non-enforceability of any one or more provision hereof, shall not prejudice or effect the enforceability and validity of the remaining provisions of this agreement; and

1.4.7.3. This clause 1.3 shall survive termination of this agreement.

1.5. NON-COMPLIANCE WITH DELIVERY TERMS

1.5.1. As soon as it becomes known to the Service provider that he will not be able to deliver the goods/services within the delivery period and/or against the bid price and/or as specified, the SHRA must be given immediate written notice to this effect. The SHRA serves the right to implement remedies as provided for in the GCC.

1.6. WARRANTIES

1.6.1 The Service provider warrants that it is able to conclude this Agreement to the satisfaction of the SHRA.

1.6.2 Although the Service provider will be entitled to provide services to persons other than SHRA, the Service provider shall not without the prior written consent of SHRA, be involved in any manner whatsoever, directly or indirectly, in any business or venture which competes or conflicts with the obligations of the Service provider to provide the Services.

1.7. PARTIES NOT AFFECTED BY WAIVER OR BREACHES

1.7.1 The waiver (whether express or implied) by any Party of any breach of the terms or conditions of this contract by the other Party shall not prejudice any remedy of the waiving party in respect of any continuing or other breach of the terms and conditions hereof.

1.7.2 No favour, delay, relaxation or indulgence on the part of any Party in exercising any power or right conferred on such Party in terms of this contract shall operate as a waiver of such power or right nor shall any single or partial exercise of any such power or right under this agreement.

1.8. RETENTION

1.8.1. On termination of this agreement, the Service provider shall on demand hand over all documentation, information, software, etc., relating to the provision of services as per this bid without the right of retention, to the SHRA.

1.8.2. No agreement to amend or vary a contract or order or the conditions, stipulations or provisions thereof shall be valid and of any force and effect unless such agreement to amend or vary is entered into in writing and signed by the contracting parties. Any waiver of the requirement that the agreement to amend or vary shall be in writing, shall.

2. GENERAL CONDITIONS OF CONTRACT

2.1 The General Conditions of Contract must be accepted. The general conditions applicable to government entity bids, contracts and order are attached herein as **Annexure A** as they will apply to this bidding process.

2.2 Bidders are required to initial each page of the General Conditions of Contract as an indication of acceptance.

INVITATION TO SUBMIT BIDS

YOU ARE HEREBY INVITED TO PROPOSE FOR REQUIREMENTS OF THE SHRA

RFP NUMBER: SHRA/RFP/ADMIN/39/202324 **DATE:** 7th of March 2024 **CLOSING TIME:** 12h00

DESCRIPTION: Appointment of a suitably qualified service provider to provide company secretarial services at the Social Housing Regulatory Authority (SHRA) for a period of six (6) months

VALIDITY PERIOD: Offer to be valid for 90 days from the closing date of the bid

The successful bidder will be required to fill in and sign a written Contract Form.

BID DOCUMENT MUST BE email to the mail address: scm03@shra.org.za

Bidders should ensure that proposals are emailed timeously to the correct email address. If the proposal is late, it will not be accepted for consideration.

Proposals can be emailed anytime from receipt of this request until 12h00 Thursday, 7th March 2024.

All proposals must be submitted on the official forms (not to be re-typed).

This RFP is subject to the following:

- ☐ General Conditions of Contract (GCC) and, if applicable, any other Special Conditions of Contract.
- ☐ the Preferential Procurement Policy Framework Act, 2000
- ☐ the Preferential Policy Regulations, 2022
- ☐ **Proposals submitted that do not comply with the following will be disqualified.**
 - A late Proposal (a proposal arriving one second after 12h00 or any time thereafter).

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	SHRA/RFP/ADMIN/39/202324	CLOSING DATE:	7 th of March 2024	CLOSING TIME:	12h00
DESCRIPTION	Appointment of a suitably qualified service provider to provide company secretarial services at the Social Housing Regulatory Authority (SHRA) for a period of six (6) months				
BID RESPONSE DOCUMENTS MAYBE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
BIDDING PROCEDURE ENQUIRIES MAYBE DIRECTED TO			TECHNICAL ENQUIRIES MAYBE DIRECTED TO:		
CONTACT PERSON	Ms Katlego Panana		CONTACT PERSON	Ms Katlego Panana	
TELEPHONE NUMBER			TELEPHONE NUMBER		
E-MAIL ADDRESS	SCM03@shra.org.za		E-MAIL ADDRESS	Scm03@shra.org.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
NAME OF REPRESENTATIVE					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.					

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, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAYBE 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 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.

TOTAL BID PRICE (ALL INCLUSIVE)

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

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

DATE:

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	BID NO.: SHRA/RFP/ADMIN/39/202324
CLOSING TIME 12h00	CLOSING DATE: 7 th of March 2024

OFFER TO BE VALID FOR **90** DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
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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, (including VAT and all disbursements).
R.....

PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

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

5.	PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT	HOURLY RATE	DAILY RATE
	-----	R-----	-----days
	-----	R-----	----- days
	-----	R-----	----- days
	-----	R-----	----- days

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

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
-----	R.....
-----	R.....
-----	R.....
-----	R.....

TOTAL:

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

- 5.2 Other expenses, for example accommodation (specify, e.g. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
-----	R.....
-----	R.....
-----	R.....
-----	R.....

TOTAL: 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.

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

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

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

Full Name	Identity Number	Name of State institution

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

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.

2.2.1 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 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

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.
- (b) The 80/20 preference point system will be applicable in this tender. The lowest/highest acceptable tender will be used to determine the accurate system once tenders are received.

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

- (c) Price; and
- (d) 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

“**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;

- (a) “**price**” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (b) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (c) “**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
- (d) “**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 PREFERENCE POINT SYSTEMS

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

80/20

$$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

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:

80/20

$$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

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, 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 and provide supporting evidence.

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)
Enterprises with ownership of 51% or more by a person/s with disability	10	
Enterprises with ownership of 51% or more by a person/s who are military veterans	10	
Total Points allocated to Specific Goals	20	

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:
.....
.....
.....

BIDDERS ARE ENCOURAGED TO USE THE FOLLOWING CHECKLIST WHEN SUBMITTING THEIR BIDS:

NO.	DETAILS	TICK BY BIDDER
1.	Part 1: Completed and signed the invitation to bid document (SBD 1)	
2.	Part 2: Completed the pricing schedule (SBD 3.3)	
3.	Part 3: Completed and signed the declaration of interest document. (SBD 4). <i>(In case of a consortium/ joint venture, or where sub-Service providers are utilised, each party to the bid <u>must</u> complete and sign the declaration of interest document)</i>	
4.	Part 4: Completed and signed the Preference Points Claim form in terms of the Preferential Procurement Regulations 2022 (SBD 6.1)	
5.	Part 5: Submitted an original/ certified copy of a valid BBEE Certificate. <i>(In case of a trust, consortium or joint venture, bidders will qualify for points for their specific goals as unincorporated entity, provided that the entity <u>submits their consolidated B-BBEE scorecard</u> as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.</i>	
6.	Part 6: Submitted the General Conditions of Contract (initialled each page)	
7.	Part 7: Submitted the Technical approach	
8.	Part 8: Submitted the Details of the team and included their CV	
9.	Part 9: Submitted Experience in the field document and 3 reference letters	
10.	Part 10: Bidders National Treasury Central Supplier Database (CSD) forms indicating the validity of the bidder's registration.	
11.	CIPC Document	