

**BROADBAND INFRACO SOC LTD**

**REQUEST FOR QUOTATION: FACILITATOR AND NOTE TAKER FOR SUBSTANTIVE NEGOTIATIONS FOR FY 2022/23**

<b>RFQ NUMBER:</b>	<b>RE-ISSUE:9524</b>
<b>RFQ ISSUE DATE:</b>	<b>05 August 2022</b>
<b>RFQ CLOSING DATE:</b>	<b>10 August 2022 @ 12 noon</b>
<b>RFQ VALIDITY PERIOD:</b>	<b>60 days (COMMENCING FROM THE RFQ CLOSING DATE)</b>
<b>A FULL DESCRIPTION OF GOODS/SERVICES REQUIRED:</b>	<b>Request for quotation: Facilitation and note taking for substantive negotiations 2022/23</b>
<b>RESPONSES TO THIS RFQ SHOULD BE FORWARDED TO:</b>	<b>Supply Chain Management – Commercial Department Email: Zanele.Sibiya@infraco.co.za OR Tel: 011 235 1616</b>
<b>ENQUIRY: NAME:</b>	<b>Zanele Sibiya</b>

**Bidders must acknowledge receipt of this RFQ on the above contact details.**

**BIDDER:** .....

**REGISTRATION NUMBER:** .....

**ADDRESS:** .....

**CONTACT PERSON:** .....

**TEL:** .....

**FAX:** .....

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

#### TERMS AND CONDITIONS OF REQUEST FOR QUOTATION (RFQ)

1. Broadband Infraco standard conditions of purchase shall apply.
2. No services must be rendered or goods delivered before an official Broadband Infraco Purchase Order form has been received.
3. Late and incomplete submissions will not be accepted.
4. Any bidder who has reasons to believe that the RFQ specification is based on a specific brand must inform Broadband Infraco before RFQ closing date.
5. Where applicable, Work will be carried out in terms of the OHSA and regulations and therefore it is important for the bidders to include OHSA compliance costs (i.e safety file for the recommended bidder will be approved by Broadband Infraco).
6. **Bidder is required to submit copy of Tax Clearance Certificate and verification information (PIN) to be used by Broadband Infraco to validate the copy on the SARS website for all price quotations exceeding the value of R30 000 (VAT included). Failure to submit the copy of valid Tax Clearance Certificate and verification information will result in the invalidation of this RFQ. It is the responsibility of the bidder to ensure that Broadband Infraco is in possession of the bidder's valid Tax Clearance certificate.**  
**The onus is on the bidder to ensure that Broadband Infraco receives a valid Tax Certificate as soon as the validity of the said certificate expires.**
7. Bidders must attach valid BBBEE certificate, correct affidavit or valid exemption letters with the bid. **Copies must be certified.**
8. Bidders are required to complete Annexure A for all price quotations exceeding the value of R30 000 (VAT included).
9. This RFQ will be evaluated in terms of the 80/20 preference point system prescribed by the Preferential Procurement Regulations, 2017
10. All prices must be quoted in South African Rand (ZAR) and the foreign currency amount applicable must be stated. The bidder must indicate **clearly** which portion of the quoted price is linked to the exchange rate. The cost of installation, delivery, and **other** charges must be included in the total price quoted.
11. It is within Broadband Infraco's prerogative to award this bid in part/s or whole to one or more than one service provider based on the pricing and other technical consideration within the ambits of the law.
12. Broadband Infraco will only commence payment processes after fulfilment of the conditions contained in the contract and/ or on receipt of an invoice from the service provider and after such has been approved by the client division as representing the services received.
13. Payment of invoices will be effected on the last day of the calendar month following the calendar month of receipt of a correct and original invoice
14. Bidders who submitted information that is fraudulent, factually untrue or inaccurate, for example memberships that do not exist, BEE credentials, experience, etc will be disqualified.
15. Bidders will be disqualified if there are listed on prohibited register of bidders in National Treasury and register of tender's defaulters.

**NB\*, Please provide us with a detailed quotation on your company letterhead, indicating all the product specifications and indicate compliance (and any deviations) to the given specification.**

.....  
**DECLARATION BY BIDDER**

I, the undersigned (NAME).....certify that :

- i. I have read and understood the conditions of this RFQ.
- ii. I have supplied the required information and the information submitted as part of this RFQ is true and correct.

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

## STANDARD BIDDING DOCUMENT 1 - PART A: INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF BROADBAND INFRACO (SOC) LTD</b>					
BID NUMBER:	RE-ISSUE:9524	CLOSING DATE:	10 August 2022	CLOSING TIME:	12:00
DESCRIPTION	<b>Facilitation and note taking for substantive negotiations 2022/23</b>				

BID RESPONSE DOCUMENTS MUST BE SUBMITTED THROUGH EMAIL.

### SUPPLIER INFORMATION

NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE	NUMBER	
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE	NUMBER	
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			
TAX CLEARANCE NUMBER			
	TCS PIN:	OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE (TICK APPLICABLE BOX)	<input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?			
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)	
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)	
	<input type="checkbox"/>	A REGISTERED AUDITOR	
NAME:			
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT (FOR EMEs &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>			
<b>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES ENCLOSE PROOF]	<b>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER	.....	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			

## PART B: TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>								
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE</p> <p>1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</p> <p>1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</p> <p>1.5. 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 LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.</p>								
<b>2. TAX COMPLIANCE REQUIREMENTS</b>								
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER AND PROOF MUST BE PROVIDED.</p>								
<b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>								
<table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> </table> <p>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</p>	3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO							
3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO							
3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO							
3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO							

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

## SBD 4

### BIDDER'S DISCLOSURE

#### 1. PURPOSE OF THE FORM

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

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

#### 2. Bidder's declaration

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

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

Full Name	Identity Number	Name of State institution

- 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:

.....  
.....

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

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

**YES/NO**

- 2.3.1 If so, furnish particulars:

.....

### **3 DECLARATION**

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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



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

.....	.....
Signature	Date
.....	.....
Position	Name of bidder

## **SBD 6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

### **1. GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

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

b) The 80/20 preference point system will be applicable to this tender.

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

### **2. DEFINITIONS**

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;

- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
- 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

### 3. POINTS AWARDED FOR PRICE

#### 3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

80/20                      or                      90/10

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

### 4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

## 5. BID DECLARATION

- 5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

## 6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

- 6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 10 or 20 points)  
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

## 7. SUB-CONTRACTING

- 7.1 Will any portion of the contract be sub-contracted?

(*Tick applicable box*)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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- 7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(*Tick applicable box*)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
<b>OR</b>		
Any EME		
Any QSE		

8. **DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 **TYPE OF COMPANY/ FIRM**

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

8.5 **DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....  
.....  
.....  
.....

8.6 **COMPANY CLASSIFICATION**

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 **MUNICIPAL INFORMATION**

Municipality where business is situated: .....

Registered Account Number: .....

Stand Number:.....

8.8 Total number of years the company/firm has been in business:.....

8.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution.

WITNESSES

1. ....

2. ....

.....  
SIGNATURE(S) OF BIDDERS(S)

DATE: .....

ADDRESS .....

.....

.....

**APPOINTMENT OF A SERVICE PROVIDER FOR FACILITATION AND NOTE TAKING  
FOR SUBSTANTIVE NEGOTIATIONS 2022/23**



## **TERMS OF REFERENCE**

### **1. BACKGROUND**

It's recommended that there must be facilitator and a minute taker for Substantive Negotiations of 2022/23. This will make the process to be Chaired and guided by an impartial Chairperson and assist the process to be conducted within reasonable timelines. The Chairperson will manage potential disputes, assist to ensure that these disputes do not lead to an escalation of the matter to CCMA. In the event there is a dispute that parties attempt to find an amicable resolution before the matter is referred to CCMA for dispute resolution. The Chairperson will also assist in drafting the agreement reached between the parties. He/She will also ensure that the records of the proceedings reflect the true discussion by the parties.

### **2. SCOPE OF WORK**

- a) Impartial Chairing the entire negotiation session between management and trade union
- b) Assist to conclude the process within reasonable timelines.
- c) The Chair to manage potential disputes, assist to ensure that these disputes do not lead to an escalation of the matter to CCMA.
- d) In the event there is a dispute that parties attempt to find an amicable resolution before the matter is referred to CCMA for dispute resolution.
- e) The Chairperson will also assist in drafting the agreement reached between the parties.
- f) He/She will also ensure that the records of the proceedings reflect the true discussion by the parties.
- g) The role of the Chair should accord with the functions of the Chair as covered in the Recognition Agreement..

### **3. SPECIFICATION OF PRODUCTS/GOODS**

Chairing of the negotiations and minute taker for a time frame required in the  
I Recognition

### **3. EVALUATION STAGES**

The responses will be evaluated in three stages, namely:

#### **3.1 Stage 1-Administrative requirements**

Below is a list of mandatory requirements that bidders must include in their response:



<b>2.1.1 Completion and submission of SBD 1 - Annexure</b>	<b>Comply</b>	<b>Not comply</b>
Bidders must provide completed SBD 4 – “Declaration of interest”.		
Substantiate/Comment		
<b>2.1.2 Completion and submission of SBD 6.1 - Annexure G</b>	<b>Comply</b>	<b>Not comply</b>
Bidders must provide completed SBD 6.1 – “Preference Points Claim Form in terms of the preferential procurement regulations 2017”		
Substantiate/Comment <i>(please indicate if portion of the contract will be subcontracted and what % will it be)</i>		
<b>2.1.3 National Treasury Central Supplier Database (CSD)</b>	<b>Comply</b>	<b>Not comply</b>
With effect from 1 April 2016, Accounting Officers and Accounting Authorities may not award any bid to a supplier/service provider not registered as a prospective supplier on the National Treasury’s Central Supplier Database. Please attach the full report of the Central Supplier Database (CSD) from National Treasury to the bid response. Please provide proof of registration with National Treasury.		
Substantiate/Comment		
<b>2.1.4 South African Revenue Services Certificate</b>	<b>Comply</b>	<b>Not comply</b>
Bidder is required to submit an authorisation PIN as provided by the tax authority as verification information to be used by Broadband Infraco to validate SARS matters on website.		
Substantiate/Comment		

### 3.2 Stage 2- Functionality requirements

Bidders must meet the minimum functionality point of **65/100** to be evaluated further on commercial requirements. Bidders who fail to meet the technical requirements will be eliminated from further evaluation.

Evaluation Criteria for the appointment of a Facilitator and note taker for substantive salary negotiations at Broadband Infraco, once off.						
Criteria			Scoring Guide		Max attainable Score	Max Weights
1	Understanding of Broadband Infraco's requirements as per provided scope of service.	Poor = 1		5	20	
		Average = 2				
		Good = 3				
		Very Good = 4				
		Excellent = 5				
2	Company's Previous and/or Current related and comparable: (Proven experience in salary negotiations and collective	0 - 0 previous / current comparable and related projects with contactable references = 1		5	30	
		1 - 1 previous / current comparable and related projects with contactable references = 2				

	bargaining labour law in the State Owned Entities) Company to provide 3 reference letters .	2 - 3 previous / current comparable and related projects with contactable references = <b>3</b>		
		4 - 5 previous / current comparable and related projects with contactable references = <b>4</b>		
		6 and more previous / current comparable and related projects with contactable references= <b>5</b>		
<b>3</b>	<b>Credentials of the Facilitator:</b> <ul style="list-style-type: none"> <li>• Proven experience in consultancy and coordination of State Owned Companies or similar ICT initiatives.</li> <li>• Practical exposure in Management, Law, Business or Economics or any other related field.</li> <li>• More than 10 years' experience in Labour Relations/Labour Law related field</li> </ul>	Poor = <b>1</b> Average = <b>2</b> Good = <b>3</b> Very Good = <b>4</b> Excellent = <b>5</b>	<b>5</b>	<b>20</b>
<b>4</b>	<b>Proposed methodology covering:</b> <p><b>4.1 Skills of the Facilitator:</b> Experience in Facilitation and minute taking during substantive negotiations - bidders should demonstrate their skills set.</p> <p><b>4.2 Facilitation methodology:</b> (Provide an overview on how the bidder will conduct the Facilitation and minute taking during the negotiations).</p> <p><b>4.3 Deliverables:</b> - How the Facilitation will handle the meeting, how the minute taking will be conducted and in what time frames and how the Facilitator will bring the parties together and in the end agree and sign the agreement.</p> <p><b>4.4 Qualifications and experience of the Facilitator:</b></p> <ul style="list-style-type: none"> <li>• Graduate qualification in law, business, economics, management or any relevant bachelors, honors or Masters qualification</li> <li>• Proven experience and track record of facilitation of salary negotiations and conditions of review (collective bargaining) in ICT or State Owned Companies</li> <li>• More than 10 years' experience in Labour Relations /Labour Law related field</li> <li>• Proven experience in salary negotiations and collective</li> </ul>	Poor = 1, Average = 2 Good = 3 Very Good = 4 Excellent = 5	<b>5</b>	<b>30</b>

	bargaining in the State Owned Entities <ul style="list-style-type: none"> <li>• Five traceable references of which two must be in the State Owned Entities (SOC's)</li> <li>• Practical exposure in either Management, Law, Business, Economics or any other related field</li> </ul>			
	Bidder's score over 100 (Only bidders who score an average of <b>65 points over 100</b> will be considered for Price and Preference)			

### 3.3 Stage 3– Commercial Evaluation

Responses will be evaluated on price and B-BBEE using the 80/20 preference point system, as per the table below.

COMMERCIAL EVALUATION	
CRITERIA/S	WEIGHT
Price	80
Broad Based Black Economic Enterprise (BBBEE) – Valid Certificate	20
<b>TOTAL COMMERCIAL EVALUATION</b>	<b>100</b>

#### 3.3.1 Price Evaluation

**The 80/20 preference point systems will be applied:**

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

**80/20**

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

**Where**

$P_s$  = Points scored for comparative price of bid under consideration

$P_t$  = Comparative price of bid under consideration

$P_{\min}$  = Comparative price of lowest acceptable bid

#### 3.3.2 Broad Based Black Economic Empower (BBBEE) (20/10)

A maximum of 20 preference points is allocated for B-BBEE Status Level of contribution:

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates. EMEs can also submit certified affidavit as prescribed by DTI.
- Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their **consolidated** B-BBEE status level certificate.
- A trust, consortium or joint venture will qualify for points for their B-BBEE status level 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.
- Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialised scorecard contained in the B-BBEE Codes of Good Practice.