



SBD1

## PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (THE HOUSING DEVELOPMENT AGENCY (HDA))</b>					
BID NUMBER:	HDA/CPT/2022/002	CLOSING DATE:	22 NOVEMBER 2022	CLOSING TIME:	11H00
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE SUITABLE OFFICE PREMISES FOR THE HOUSING DEVELOPMENT AGENCY: WESTERN CAPE				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
THE HOUSING DEVELOPMENT AGENCY (HDA)					
c/o The Provincial Department of Human Settlements					
27 Wale Street,					
Cape Town, 8001					
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
		TCS PIN:		OR	CSD No:
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>					
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 8:3 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.)					
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE (ALL INCLUSIVE)		
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>			<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>		
DEPARTMENT/ PUBLIC ENTITY	Supply Chain Management		CONTACT PERSON	Jane Mahlangu	
CONTACT PERSON	Jane Mahlangu		TELEPHONE NUMBER	011 544 1000	



**SBD1**

TELEPHONE NUMBER	011 544 1000	FACSIMILE NUMBER	None
FACSIMILE NUMBER	None	E-MAIL ADDRESS	Jane.Mahlangu@thehda.co.za
E-MAIL ADDRESS	Jane.Mahlangu@thehda.co.za		

## PART B TERMS AND CONDITIONS FOR BIDDING

### 1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. THE BID BOX IS GENERALLY OPEN DURING OFFICE HOURS, MONDAY TO FRIDAY, FROM 08H00 TO 16H00.
- 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE
- 1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: ( BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
- 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.
- 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.

### 2. TAX COMPLIANCE REQUIREMENTS

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

### 3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- |  |  |
|--|--|
| 3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | <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 |

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.

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

P.O. Box 3209,  
Houghton, 2041  
Block B, 2<sup>nd</sup> Floor  
1 Maxwell Drive  
Megawatt Drive  
Sunninghill  
Gauteng 2157



## **TERMS OF REFERENCE**

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**REQUEST FOR PROPOSALS FOR THE PROVISION OF  
SUITABLE OFFICES AND PARKING SPACE FOR THE HOUSING  
DEVELOPMENT AGENCY, WESTERN CAPE, FOR A PERIOD OF  
108 MONTHS (9 YEARS)**

**HDA/CPT/2022/002**

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**APPLICATIONS TO BE SUBMITTED BY**

**NOT LATER THAN**

**11H00 ON 22 NOVEMBER 2022**

## **1. INTRODUCTION**

The Housing Development Agency (HDA) is a national public development agency established by an Act of Parliament (Act 23 of 2008). The HDA promotes sustainable communities by making well-located land and buildings available for the development of housing and human settlements. As an organ of state, the HDA is accountable through its Board to the Minister of Human Settlements. The WC office is temporarily situated at 27 Wale Street, Cape Town.

## **2. PURPOSE**

The purpose of this tender is to find suitable offices and parking space for the HDA Western Cape Office. Proposals are invited for the provision of leased office space measuring between 1000 sqm and 1200 sqm with 34 or more parking spaces, for a minimum period of one hundred and eight (108) months from date of occupation.

## **3. LOCATION OF THE OFFICE SPACE**

- 3.1 The building must be within the areas of:
  - i. Cape Town Foreshore
  - ii. Cape Town CBD
- 3.2 The ideal facility should be located within close proximity of public transport (Cape Town Station) and freeways.
- 3.3 The building/s should allow for comfortable entrance / exit to and from the street and into the building by staff, visitors, service providers and all other HDA stakeholders.
- 3.4 The area within close proximity to the building/s must be free of vendors.
- 3.5 The building should have access for people with physical disability (e.g. Wheelchair ramp) and should fully comply with the OHS act.

## **4. REQUIREMENTS**

- 4.1 The proposed building should be a minimum of B grade office accommodation (or higher).
- 4.2 The gross lettable area (excluding parking space and land) must be within a range of 1000 sqm to 1200 sqm with the option to renovate the building.
- 4.3 The bid shall include costing for a minimum of thirty-four (34) secure onsite parking bays, of which 2 must cater for physically disabled people. The parking bays must comply with municipal by-laws, confirmation of which should be included in the

proposal.

- 4.4 The building must be an existing facility (complete built structure at the time of bidding) that can be fitted to suit the requirements of the HDA.
- 4.5 The entire area leased must be for the sole use of the HDA with no toilet; kitchen or canteen facilities being shared with other tenants;
- 4.6 The building/s must provide separate toilets for both males and females, in line with the minimum number of toilets specified in the National Building Regulations SANS 10400.
- 4.7 The building/s must make provision for disabled persons as per Part P and Part S of SANS 10400.
- 4.8 The Lessor shall ensure that adequate firefighting equipment is provided and serviced as required in law.
- 4.9 It is a mandatory requirement that the building/s be provided with an uninterrupted electricity supply. Preference will be given to a solar backup system.
- 4.10 The building/s must be provided with a backup water supply system.
- 4.11 Air conditioning must be provided in the entire lettable space, with maintenance and upkeep remaining the responsibility of the Lessor.
- 4.12 If the building has more than three floors (including the ground floor) or more than four (4) floors including basement and ground floor, there must be a passenger lift, which must be maintained by the Lessor on a monthly basis and as and when a breakdown occurs. Records of such maintenance must be kept by the Lessor and must be made available to the Lessee upon request.
- 4.13 Where the building has several storeys, a goods lift must be installed where required, as per SANS Regulations.
- 4.14 Where it is not possible for the HDA's Receptionist to be housed on the ground floor with toilet / kitchen facilities for the disabled being provided, it is essential that the passenger lift meet the requirements for the disabled.
- 4.15 The building must comply with all legislation, including but not limited to all SANS Regulations; the Occupational Health & Safety Act 85 of 1993 and Municipal By-Laws.
- 4.16 The building must be clean, well maintained with facilities being conducive to the HDA's operations.
- 4.17 The common areas including the gardens must be well maintained and even after occupation remains the responsibility of the Lessor.

- 4.18 Exterior signage must be allowed.
- 4.19 The building insurance will remain the responsibility of the Lessor for the duration of the lease.
- 4.20 The Lessor will be responsible for the normal day-to-day electrical, plumbing, air-conditioning and general building repairs and maintenance to ensure a safe and conducive working environment.
- 4.21 The proposed leased property must be made available in good condition and clean, bearing in mind latent defects to be identified at least for ninety (90) days after occupation date.
- 4.22 The building/s must make provision for access control and security which must be accessible to both staff and visitors.
- 4.23 A building with a green rating would be advantageous
- 4.24 A floor plan of the building drawn to scale should be provided and the CAD drawing must also be made available.
- 4.25 Bidders must provide details of the building/s location and physical address for inspection in loco purposes before the evaluation process is finalised.

## **5. SPECIFICATIONS**

- 5.1 In order to accommodate the needs of the HDA, the following list acts as a guide as to the expected design/layout of the 1000 sqm to 1200 sqm space. The list is in no way exhaustive. There must be:

- i. 8 Enclosed offices ( $\pm 19 \text{ m}^2$  and  $25 \text{ m}^2$ ) for the:
- Regional Manager Region A,
  - Regional Manager Region C,
  - Provincial Manager,
  - Development Manager,
  - Support Services Manager and
  - Subsidies and Stakeholder (IGR) Manager).

These spaces are currently around  $19 \text{ m}^2$  and  $25 \text{ m}^2$

- ii. 4 Boardrooms – Main and three other smaller meeting areas.
- Main Boardroom  $104 \text{ m}^2$
  - RM Boardroom –  $28 \text{ m}^2$
  - Boystown Boardroom –  $32 \text{ m}^2$

- Joe Slovo Boardroom – 24 m<sup>2</sup>
- iii. 2 Separate meeting rooms – 9 m<sup>2</sup>
- iv. Server room that is at least 4m x 3m with raised floors (existing fibre connection will be an added advantage).
- v. 6 Open office areas, made up of:
  - Development Planning and land – 100 m<sup>2</sup>
  - Project Team office – 100 m<sup>2</sup>
  - Project Facilitators office 73 m<sup>2</sup>
  - Reception with cubicles to receive the public 80m<sup>2</sup>
  - Kitchen and staff canteen – 26 m<sup>2</sup>
- vi. Fireproof safe – for the safekeeping of confidential documents (10 x 10 m<sup>2</sup>)
- vii. 2 x storerooms with shelves:
  - Cleaning equipment and chemicals
  - PPE and other valuable equipment
- viii. Male and Female ablution facilities 5 x toilets in both bathrooms, 3 urinals in men's bathroom.
- ix. Guest ablution facilities at the reception area and public use. 3 toilets and 1 physical disable toilet.
- x. The building must have double tier cable trays in ceiling voids or make allowance for these.
- xi. The lease offered must provide for air-conditioning and maintenance thereof as part of the lease.
- xii. Provision must be made for a demarcated covered smoking zone according to the specifications in the Tobacco Products Control Amendment Act (No. 83 of 1993).
- xiii. The building/s must have a separate electrical meter to enable the HDA to manage, measure and monitor electrical usage.

## **6. LEASE REQUIREMENTS**

- 6.1 The lease shall be for an initial period of 108 months.
- 6.2 The lease should allow for a termination clause in the event that the Lessor does not abide by the terms and conditions of the lease.
- 6.3 A draft lease is to be included for each building submitted for consideration in this bid.

## **7. MANDATORY REQUIREMENTS**

In order to ensure compliance with all legislation; business continuity; an operating



environment that is conducive to the HDA operations as well as financial security, the following mandatory requirements will apply. Failure to comply with any of the prerequisites will result in disqualification of the bid.

- 7.1 The bidder must confirm that they have read and understood the terms and conditions set out in the special conditions of contract and mandatory clauses to be incorporated into the lease agreement. The bidder must indicate which terms and conditions the bidder does not accept, in the event that the HDA awards the contract to the bidder pursuant to this bid.
- 7.2 The following documents must be submitted with the bid. Failure to do so will result in disqualification:
  - i. A flexible proposed Lease Agreement with the option to renovate the building;
  - ii. A complete Pricing Schedule, inclusive of escalation costs which may not exceed 5% per annum;
  - iii. Any Special Conditions of Contract must be specified in the bid;
  - iv. Floor Plans with CAD drawings to be submitted with the bid;
  - v. Proof of valid insurance for the building structure;
  - vi. Valid occupancy certificate as issued by the City of Cape Town;
  - vii. The lessor is to provide the HDA with an Electrical Certificate of Compliance as well as a certificate indicating the safe working condition of lifts where applicable;
  - viii. Pictures of the office building in colour.
- 7.3 The successful bidder shall at their own cost maintain public liability insurance for its own personnel/third parties against accidents, injury or death, proof of which must be submitted with bid.
- 7.4 Legislation - The bidder must at all times comply with the provisions of all SANS Regulations; the Occupational Safety and Health Act, 85 of 1993 and Municipal By-Laws with regards to the building; persons using the buildings as well as safety equipment and maintenance of equipment used in the leased premises.
- 7.5 Bidders are to indicate compliance with mandatory requirements below, by ticking the relevant box "Compliant" or "Non-Compliant". In the event that no tick is made it will be accepted that the bidder does "not comply" and will be disqualified.
- 7.6 It will be expected that bidders can provide evidence or confirm commitment to compliance with all mandatory requirements.

- 7.7 In the event of a physical verification indicating that the bid does not comply with the mandatory requirements, the bid will be disqualified.
- 7.8 The bidder is to indicate under “Substantiate / Comments” below whether the bidder is the owner/landlord or an agent/broker.
- 7.9 Where the bidder is an agent or broker, the bidder must provide proof of having a mandate to act on behalf of the owner/landlord. This must be provided for each building offered.
- 7.10 Where the bidder is an agent or broker, the bidder must confirm that they are registered with the Property Practitioners Regulatory Authority and are in possession of a valid Fidelity Fund certificate. A certified copy of both a valid Property Practitioners Regulatory Authority registration as well as a certified copy of the valid Fidelity Fund certificate must be provided.
- 7.11 The HDA does not pay commission on agent fees.

MANDATORY REQUIREMENTS	COMPLIANT	NON-COMPLIANT
The Bidder confirms that the building offered is a complete built structure		
The Bidder confirms that the building offered is a minimum of a grade B		
The Bidder confirms that the building offered is in one of the following preferred areas: <ul style="list-style-type: none"> <li>• Foreshore Cape Town</li> <li>• Cape Town CBD</li> </ul>		
The building complies with Part P and Part S of the National Building Regulations SANS 10400 with regards to facilities for people with special needs/ Physical disability (e.g. wheelchair ramp; bathrooms etc.).		
The bidder confirms that the lettable area offered is between 1000 sqm and 1200 sqm. Where the building is larger, it may not exceed 1400 sqm.		
The bidder confirms that the building can be retro fitted to accommodate the requirements of the HDA.		

The bidder confirms that they are in possession of a Certificate of Occupancy of the building concerned, issued by the Municipality; an Electrical Certificate of Compliance as well as a certificate indicating (where applicable) that the lifts are in a safe working condition. Copies of the certificates are attached.		
The bidder confirms that exterior signage may be erected.		
The bidder confirms that there is an uninterrupted power supply, backed up by either solar power / battery backup and/or back-up via a generator.		
In the event that power supply backup is not available, the Lessor confirms that this will be fitted upon appointment at the Lessor's cost. Indication must be made as to whether the backup will be solar power with battery backup or generator.		
The bidder confirms that there is a fixed uninterrupted water supply with a backup system that is piped into the building in the event of water outages.		
In the event that a water supply backup is not available, the Lessor confirms that this will be installed upon appointment at the Lessor's cost.		
<b>Substantiate/Comments:</b>		
The bidder must confirm that they have read and understood the terms and conditions set out in the special conditions of contract and mandatory clauses to be incorporated into the lease agreement.		
The bidder herewith indicates which terms and conditions the bidder <u>does not</u> accept, in the event that the HDA awards the contract to the bidder pursuant to this bid.		
The bidder must indicate whether they are the owner/landlord or an agent/broker.		
Where the bidder is an agent or broker, the bidder must provide proof of having a mandate to act on behalf of the owner/landlord. This must be provided for each building offered.		
Where the bidder is an agent or broker, the bidder must confirm that they are registered with the Property Practitioners Regulatory Authority and are in possession of a valid Fidelity Fund certificate. A certified copy of both a valid Property Practitioners Regulatory Authority registration as well as a certified copy of the valid Fidelity Fund certificate must be provided.		

## 8. EVALUATION PROCESS

8.1 In order to facilitate a transparent selection process that allows equal opportunity to all service providers, the HDA will adhere to its policy on the appointment of services providers.

8.2 Proposals will be evaluated on the basis of the following criteria:

8.3 The benchmark of minimum 70 points out of 100 points on technical functionality will be the cut off to qualify for further evaluation.

**8.4 Table 1: Functionality**

Item	Description	Details	Weightings
1	<b>Building – General Requirements</b>	34 Secure on-site parking of which 2 will cater for physically disabled people, must be available in accordance with municipal by-laws. Confirmation of which should be included in the proposal. The parking should be in the building premises and not separate to the premises.	20
2	<b>Building Services</b>	The building must make provision for goods and passengers lifts (if applicable)	5
		Ablution facilities accommodating approximately 40 employees and visitors, including facilities for the physically disabled must be available in line with the minimum requirements as laid down in SANS 10400	5
		The accommodation must provide lighting as per building regulation	5
		The office accommodation must be fully air-conditioned and ventilated	10
		The space(s) on offer must have its own electric distribution board(s)	5
		The accommodation must have existing fire detection and prevention services and comply with OHS regulations.	5
		A floor plan of the building drawn to scale is required	5
		Maintenance by Lessor of firefighting equipment and regular	5

		servicing of lifts	
		Operational maintenance of building in terms of lighting; plumbing; locksmith; electrical repairs etc.	5
3	Site Accessibility	The building must be an existing building (complete built structure) (Stand alone or multi-tenant building)	5
		The building should allow for comfortable entrance / exit to and from the building by staff, clients, and service providers	5
		The building must make provision of access control and security which must be accessible to both staff and suppliers	5
		The building must comply with OHS, emergency evacuation process. The bidder must provide us with a certified copy of the certificate of compliance	5
		The building must provide at least 2 storerooms and 1 fireproof strong room.	5
		The building must be IT & Telecon ready.	5
<b>TOTAL</b>			<b>100</b>

8.2 The HDA needs to be satisfied, in all respects, that the service provider selected has the necessary resources and capacity and that all submissions are regarded in a fair manner in terms of evaluation criteria and process

8.3 A site inspection will be conducted on all qualifying bidders.

8.4 The following criteria will be used for point's allocation for price and B-BBEE compliance on an 80/20-point system:-

**8.5 Table 2: Price and B-BBEE**

CRITERIA	SUB-CRITERIA	WEIGHTING/ POINTS
Price	Detailed budget breakdown	80
B-BBEE (Status Level Verification Certificate)	B-BBEE Level Contributor	20
<b>TOTAL</b>		<b>100</b>

## 9. PRICING SCHEDULE

### 9.1 Annexure A: Breakdown of total cost:

- i. All prices must be VAT inclusive and quoted in South African Rands.
- ii. Any escalations per year not exceeding 5% must be clearly indicated without hidden costs.

Price component	COSTS IN RANDS FOR THE ENTIRE LEASE PERIOD									
	2023	2024	2025	2026	2027	2028	2029	2030	2031	
Building Rental										
Parking Costs: Basement										
Fixed Operational costs										
Other services payable										
Indicate breakdown and information on deposit required										
Provide information on any other costs not already included										
Indicate Tenant Installation allowance per m <sup>2</sup>										

Price component	COSTS IN RANDS FOR THE ENTIRE LEASE PERIOD									
	2023	2024	2025	2026	2027	2028	2029	2030	2031	
Number of months of beneficial occupation that will be allowed										
Additional										
<b>Total cost:</b>	R	R	R	R	R	R	R	R	R	

## **10. ADDITIONAL INFORMATION TO BE SUBMITTED BY THE BIDDERS**

- i. Brief company profile detailing experience relevant to this Terms of Reference.
- ii. Certificate of incorporation / legal status.
- iii. Financial proposal.
- iv. CSD registration report (registration with the National Treasury Central Supplier Database.

If not yet registered, please use the following link to register:  
<https://secure.csd.gov.za>.

- v. SBD Forms (SBD1, SBD4, SBD6.1, SBD8 and SBD9) obtainable from the HDA Website: [www.thehda.co.za/procurement](http://www.thehda.co.za/procurement), under compliance checklist.
- vi. Valid and original or certified B-BBEE Status Level Verification.
- vii. Certificates issued by the following agencies: SANAS, IRBA or CCA or an Original Sworn Affidavit.
- viii. In the event of a consortium or a partnership, a consolidated B-BBEE rating accredited by a rating agency is required.

**All submission documents must be in the name of the Lessor even in cases where the Agent/Broker is compiling them on behalf of the Lessor.**

## **11. PAYMENT STRUCTURE**

- 11.1 It is the Lessor's responsibility to provide a detailed monthly rental and utility bill invoice by the 20<sup>th</sup> of each month for payment before the 7<sup>th</sup> of the following month.

## **12. GENERAL REQUIREMENTS**

- 12.3 It is important to note that the successful service providers will work under the supervision of an HDA representative, abide by HDA's Code of Conduct, and other organizational guidelines.

- 12.4 The following documents must be submitted:

- Central Supplier Database (CSD) Report
- SBD Forms (SBD1, SBD4, SBD6.1, SBD8 and SBD9) obtainable from the HDA website: [www.thehda.co.za/procurement](http://www.thehda.co.za/procurement). Under compliance checklist.



- Price proposals on all work to be done (Rates for all recruitment projects must be included. The costing breakdown for recruitment services must be clear)
- Valid and Original or Certified B-BBEE Status Level Verification Certificates issued by the following agencies SANAS, IRBA or CCA.

12.3 Further information regarding the Tender can be sent via email to: [lane.mahlangu@thehda.co.za](mailto:lane.mahlangu@thehda.co.za) or tel: 011 544 1000

### **13. SUBMISSION OF PROPOSALS**

Proposals should be submitted on or before the **22 November 2022** by no later than **11h00** to the following address:

**The Procurement Specialist**

**The Housing Development Agency (HDA),  
c/o The Provincial Department of Human Settlements,  
27 Wale Street,  
Cape Town, 8001  
Tel: 011 544 1000**

The selection of the qualifying proposal will be at the HDA's sole discretion. The HDA does not bind itself to accept any particular bid / proposal, and the HDA reserves the right not to appoint the service provider.



TAX CLEARANCE

TCC 001

**Application for a Tax Clearance Certificate****Purpose**Select the applicable option ..... Tenders ☐ Good standing ☐

If "Good standing", please state the purpose of this application


**Particulars of applicant**

Name/Legal name (Initials & Surname or registered name)											
Trading name (If applicable)											
ID/Passport no						Company/Close Corp. registered no					
Income Tax ref no						PAYE ref no	7				
VAT registration no	4					SDL ref no	L				
Customs code						UIF ref no	U				
Telephone no						Fax no					
E-mail address											
Physical address											
Postal address											

**Particulars of representative (Public Officer/Trustee/Partner)**

Surname											
First names											
ID/Passport no						Income Tax ref no					
Telephone no						Fax no					
E-mail address											
Physical address											

Tender number

Estimated Tender amount R ,

Expected duration of the tender  year(s)

Date started	Date finalised	Principal	Contact person	Telephone number	Amount

Are you currently aware of any Audit investigation against you/the company? YES NO

If "YES" provide details

I the undersigned confirm that I require a Tax Clearance Certificate in respect of  or .

I hereby authorise and instruct  to apply to and receive from SARS the applicable Tax Clearance Certificate on my/our behalf.

-  -

Signature of representative/agent

Name of representative/agent

I declare that the information furnished in this application as well as any supporting documents is true and correct in every respect.

Signature of applicant/Public Officer

Name of applicant/  
Public Officer

Date

1. It is a serious offence to make a false declaration.
2. Section 75 of the Income Tax Act, 1962, states: Any person who
  - (a) fails or neglects to furnish, file or submit any return or document as and when required by or under this Act; or
  - (b) without just cause shown by him, refuses or neglects to-
    - (i) furnish, produce or make available any information, documents or things;
    - (ii) reply to or answer truly and fully, any questions put to him ...As and when required in terms of this Act ... shall be guilty of an offence ...
3. **SARS will, under no circumstances, issue a Tax Clearance Certificate unless this form is completed in full.**
4. Your Tax Clearance Certificate will only be issued on presentation of your South African Identity Document or Passport (Foreigners only) as applicable.

## TAX CLEARANCE CERTIFICATE REQUIREMENTS

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

- 1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).
- 6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za).

## 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

---

<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.

with any person who is employed by the procuring institution? YES/NO

2.2.1 If so, furnish particulars:

.....  
 .....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? YES/NO

2.3.1 If so, furnish particulars:

.....  
 .....

### 3 DECLARATION

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

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

---

<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.

**SBD4**

institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder



## 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

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;

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
<b>PRICE</b>	
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

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

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

### 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 PREFERENCE POINT SYSTEMS

A maximum of 80 points 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 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 (80/20 system)
1	20
2	18
3	14

4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	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 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

## 7. SUB-CONTRACTING

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

(Tick applicable box)

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

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted.....%

ii) The name of the sub-contractor.....

iii) The B-BBEE status level of the sub-contractor.....

iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

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

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at least 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		
OR		
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 Total number of years the company/firm has been in business:.....

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

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

- (a) disqualify the person from the bidding process;

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

**WITNESSES**

1. ....

2. ....

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

**DATE:** .....

**ADDRESS** .....

.....

.....

## **DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

### **1. General Conditions**

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9) makes provision for the promotion of local production and content.
- 1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for bids referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

**The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.**

1.6 A bid may be disqualified if –

- (a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
- (b) the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.

## 2. Definitions

- 2.1. **“bid”** includes written price quotations, advertised competitive bids or proposals;
  - 2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);
  - 2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
  - 2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
  - 2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility(close corporation, partnership or individual).
  - 2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour or intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
  - 2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
  - 2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and
  - 2.9. **“sub-contract”** means the primary contractor's assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.
3. **The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

Description of services, works or goods

Stipulated minimum threshold

_____	_____ %
_____	_____ %
_____	_____ %

4. Does any portion of the services, works or goods offered have any imported content?

(Tick applicable box)

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

- 4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za).

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

5. Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct?

(Tick applicable box)

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

- 5.1. If yes, provide the following particulars:

- (a) Full name of auditor: .....
- (b) Practice number: .....
- (c) Telephone and cell number: .....
- (d) Email address: .....

(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)

6. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

**LOCAL CONTENT DECLARATION**  
**(REFER TO ANNEX B OF SATS 1286:2011)**

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID NO. ....**

**ISSUED BY:** (Procurement Authority / Name of Institution):  
.....

**NB**

1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on <http://www.thdti.gov.za/industrial-development/ip.jsp>. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, ..... (full names),  
do hereby declare, in my capacity as .....  
of ..... (name of bidder  
entity), the following:

(a) The facts contained herein are within my own personal knowledge.

(b) I have satisfied myself that:

- (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (ii) the declaration templates have been audited and certified to be correct.

(c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.**



**The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**

(d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Preferential Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

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

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

**WITNESS No. 1** \_\_\_\_\_

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

**WITNESS No. 2** \_\_\_\_\_

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

## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
  - a. abused the institution's supply chain management system;
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).  The Database of Restricted Suppliers now resides on the National Treasury's website( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website ( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		

4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

**SBD 8**

### **CERTIFICATION**

**I, THE UNDERSIGNED (FULL NAME).....  
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION  
FORM IS TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT,  
ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION  
PROVE TO BE FALSE.**

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

Js365bW

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

<sup>3</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

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