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REQUEST FOR QUOTATION (RFQ)

| | |
|---------------------|--|
| RFQ | RFQ/LOG/2023/35 |
| RFQ ISSUE DATE | 10 MAY 2023 |
| RFQ DESCRIPTION | APPOINTMENT OF A SERVICE PROVIDER FOR PROVISION OF MAINTENANCE & REPAIRS OF CHILLERS, FOR SABC NORTH WEST PROVINCIAL OFFICE FOR A PERIOD OF THREE (3) YEARS. |
| BRIEFING SESSION | NOT APPLICABLE |
| CLOSING DATE & TIME | 08 JUNE 2023 @ 12:00 |

Submissions must be electronically emailed to RFQSubmissions@sabc.co.za on or before the closing date of this RFQ.

Active registration and valid minimum grading with the Construction Industry Development Board (CIDB) of 3ME. "The Tenderer shall provide a valid and active certificate at the time of closing and at the time of award".

For queries, please contact **Namhla Siko** via email: Tenderqueries@sabc.co.za

The SABC requests your quotation on the services listed above. Please furnish us with all the information as requested and return your quotation on the date and time stipulated above. Late and incomplete submissions will invalidate the quote submitted.

SUPPLIER NAME: _____

POSTAL ADDRESS: _____

TELEPHONE NO: _____

FAX NO. : _____

E MAIL ADDRESS: _____

CONTACT PERSON: _____

CELL NO: _____

SIGNATURE OF BIDDER: _____

South African Broadcasting Corporation SOC Limited: Registration Number: 2003/023915/30

Non-Executive Directors: Mr K M Ramukumba (Chairperson); Ms N A Batyi (Deputy Chairperson); Dr R K C Horne; Ms P Kadi; Ms P P Magopeni; Mr D M Maimela; Ms A C Makhwanya; Mr D K Mohuba; Ms M Moonsamy; Ms R M S Motaung; Adv T S Thipanyane; Mr M Tsedu

Executive Directors: Mr M Mxakwe (Group Chief Executive Officer); Mr I C Plaatjes (Chief Operations Officer); Ms Y van Biljon (Chief Financial Officer); **Acting Company Secretary:** Mr M Salojee

NOTES ON QUOTATIONS AND PROPOSALS SUBMISSION

1. All electronic submissions must be submitted in a **PDF** format that is protected from any modifications, deletions, or additions.
2. Financial/pricing information must be presented in a **separate** attachment from the Technical / Functional Response information.
3. The onus is on the Bidder to further ensure that all mandatory and required documents are included in the electronic submission.
4. All submissions should be prominently marked with the following details in the email subject line:

➤ **RFQ Number and bidders' name.**

5. Bidders are advised to email electronic submissions at least thirty minutes before the bid closing time to cater for any possible delay in transmission or receipt of the bid. The onus is on bidder to ensure that the bid is submitted on time via email
6. Tender submission emails received after submission date and time will be considered late bid submissions and will not be accepted for consideration by SABC.
7. SABC will not be responsible for any failure or delay in the email transmission or receipt of the email including but not limited to:
 - receipt of incomplete bid
 - file size
 - delay in transmission receipt of the bid
 - failure of the Bidder to properly identify the bid
 - illegibility of the bid; or
 - Security of the bid data.

NB: THE BIDDER SHOULD ENSURE THAT LINKS FOR WETRANSFER AND GOOGLE DROP BOX EXPIRE AFTER 30 DAYS OF THEIR SUBMISSIONS INSTEAD OF SEVEN DAYS

FIRST PHASE – PREQUALIFICATION CRITERIA: MANDATORY DOCUMENTS

All bid respondents must submit mandatory documents that comply with all mandatory requirements. Bids that do not fully comply with the mandatory requirements will be disqualified and will not be considered for further evaluation.

| MANDATORY REQUIREMENT | | COMPLY/ COMPLY | NOT |
|-----------------------|--|-------------------|-----|
| 1. | Active registration and valid minimum grading with the Construction Industry Development Board (CIDB) of 3ME The Tenderer shall provide a valid and active certificate at the time of closing and at the time of award”. | | |
| 2. | Technician/s must have a valid license for safe handling of refrigerant (SAQCC) | | |

NON-SUBMISSION OF THE MANDATORY DOCUMENTS WILL RESULT IN AUTOMATIC DISQUALIFICATION.

REQUIRED DOCUMENTS

- 1.1 Submit proof CSD registration
- 1.2 Proof of Valid TV License Statement for the Company; all active Directors and Shareholder must have valid TV Licenses.
(Verification will also be done by the SABC internally).
- 1.3 Valid Tax Clearance Certificate or SARS “Pin” to validate supplier’s tax matters
- 1.4 Original or Certified copy of Valid BBBEE Certificate (from SANAS accredited Verification Agency)
- 1.5 Certified copy of Company Registration Document that reflect Company Name, Registration number, date of registration and active Directors or Members.
- 1.6 Certified copy of Shareholders’ certificates.
- 1.7 Certified copy of ID documents of the Directors or Members.

NB: NO CONTRACT WILL BE AWARDED TO ANY BIDDERS WHO’S TAX MATTERS ARE NOT IN ORDER.

NO CONTRACT WILL BE AWARDED TO ANY BIDDERS WHO’S TV LICENCE STATEMENT ACCOUNT IS NOT VALID.

DETAILED TECHNICAL SPECIFICATION

1. Background

The Chillers were manufactured and installed at the SABC North West site. The building is only depending on air conditioning system for ventilation, cooling and heating. There are also five blocks of administration offices. Maintenance service of the Chillers is critical to prevent wear and tear and to minimize unforeseen breakdowns which are costly for the SABC.

2. Scope of Requirements services

The service provider will render the following services to the SABC North West:

Detailed specification for chillers:

3 X Chiller machines

Make and model

- Trane RTAC 350 Chiller 1 - Serial number: EKN 5696
- Chiller 2 – Serial number: EKN 5697
- Chiller 3 – Serial number: EKN 5698

All work to be carried under manufactures guidelines

Work to be carried during Minor service

Compressor starts and run hours

- Refrigerants charge
- Evaporator fouling
- Condenser fouling
- Refrigerants filter fouling
- Oil flow
- Tell-tale refrigerants leaks
- Solenoid valve operation
- Entering and leaving chilled water/air temperatures

Work to be carried during Major service

- Oil filters replacement + gasket
- Oil filter O-rings and plug replacement
- Oil replacement
- Replacement of sensors
- Refrigerant filter replacement
- Replacement of flow controls
- Trane factory oil analysis
- Chemical cleaning of condenser coils
- Detailed report of any fault found

QUARTERLY SERVICES

- The Technician will report to SABC and discuss any problem or faults, which may be occurred since the last service.
- The chillers will be operated for at least 30 minutes prior to logging all the necessary reading to calculate systems performance.
- Complete a system analysis and record all log readings and compare these against the design specifications.
- Check the compressor oil pressure and note these on the service report.
- Take an oil sample which will be sent away for analysis. The results of which will be sent to SABC for the records.
- If any refrigerant or oil leaks are found and these can be repaired without pumping the system. down, these will be rectified during the service
- Clear the system control panel.
- Check all operating and safety controls and report on the same in the service report.
- Inspect the chilled water pumps, starter panels, condenser water pumps and starters
- In the event of the ambient temperature not permitting the chiller to operate visually inspection will be carried out (the oil pumps will be operated, and the oil pressures will be noted)
- the electrical connections and starters must be cleaned, tightened, and physically inspected.

On completion of the minor services a complete heat balance will be calculated, and the service provider will submit a comprehensive report detailing all work done and all faults found and whether these were rectified or if other remedial action is required.

ANNUAL SERVICES

- On arrival at the site technician will discuss with SABC any problems or faults which have occurred since the last service.
- Operate the chillers until the system has stabilized and record all log all readings in order to analyze system performance before commencing with any work.
- The refrigerant will be transferred to refrigerant pump down unit with a transfer unit minimize any refrigerant loss.
- The system will be pressure tested with dry nitrogen and any leaks found will be repaired.
- Isolate the electrical supply and commence with the following.
- The oil will be removed and discarded in the correct manner
- Remove the oil filter and inspect for foreign matter and report on its condition.
- Take an oil sample, which will be sent for analysis. The results of which will be sent to SABC for a record.
- Renew the oil filter and oil return filter driers. Replace any refrigerant filters.
- Charge the compressor with new Refrigerant oil.
- The Safety valve will be removed and sent to a third party for calibration certification that will be sent to SABC for a record.
- Inspect the condenser tubes for fouling and if required, chemically clean or high pressure clean the tubes for optimum performance.
- Clean and check the control panel.
- The safety valve will be reinstalled and inspected for leaks.
- The system will be pressure tested with dry nitrogen and any leaks found will be required.

The pressure test will be witness by SABC.
- The system will be charged with refrigerant, and the compressor will be started and checked.
- Log all readings, analyze the system, and compare with the original specifications.
- The electrical connections and starters must be cleaned, tightened, and physically inspected.

SCHEDULE OF SERVICES

Major - 1 x Yearly (Annually)

Minor - 3 x Quarterly per year

3. RFQ Response Information

Effective Date of Bid

Vendors should state in writing that their quotation to the SABC and all furnished information, including price, will remain valid and applicable for 90 days from the date the vendor quotation is received by the SABC.

4. Costing

The quotation must reflect a detailed cost breakdown, and any indirect costs associated with the rendering of required service as per the schedule in the **Scope of Service**.

5. Duration of the Contract

Three (3) years

6. Location

North West, Mafikeng

7. Evaluation criteria

7.1. Price

- The RFQ responses will be evaluated on the price. & functionality

7.2. Technical Evaluation

- The tender submission will be technically evaluated out of **100**
- A minimum threshold of **65 out of a maximum of 100** has been set.
- Bidders achieving less than the set threshold will be declared non-responsive and therefore will not continue forward for evaluation of Price.

7.3. Objective Criteria

- The SABC further reserve the right not to award this tender to any bidder based on the proven poor record of accomplishment of the bidder in previous projects within the SABC.

- Bidders who are blacklisted or have committed other acts of fraud and misrepresentation of facts e.g., tax compliance, company financials, etc. will be eliminated from the bid process.

SECOND PHASE: PAPER BASED EVALUATION CRITERIA

| Evaluation area | Evaluation Criteria | Min. Points | Max. Points |
|--|--|--------------------|--------------------|
| Company Previous experience in servicing and maintenance of Chillers | <p>Provide proof of previous & existing contracts in any of the below: Chillers</p> <p>Number of Contracts:</p> <ul style="list-style-type: none"> Less than 2 = (10 points) Between 2-4= (20 points) Above 4 = (30 points) <p>Proof of duly signed contactable letters of references indicating that such projects were executed.</p> <ul style="list-style-type: none"> Less than 2(Two) 5 points Three 3(Three) 10 points <p>More than 4 (Four) references 15 points</p> | 30 | 45 |
| Warranty of parts | <p>Respondents to submit proposal on warranty:</p> <ul style="list-style-type: none"> Less 12 months (5 points) 12 months (15 points) More than 12 months (20 points) | 15 | 20 |
| Response time | <p>Respondents to submit proposal on response time:</p> <p>Emergency response time</p> <ul style="list-style-type: none"> Less than 3hrs (20 points) 3hrs to 5hrs (10 points) More than 5hrs (5 points) | 10 | 20 |
| Quality of workmanship | <p>Contractor to clearly state on their proposal the quality and assurance on workmanship to be provided during the Maintenance process, quality standards in an OHS File</p> <ul style="list-style-type: none"> OHS File (10 points) No OHS (0 points) <p>The Bidder must have a Spare Holding in South Africa. Indicate where your spares holding is located and the capacity to render the service. (05 points)</p> | 10 | 15 |
| Total | | 65 | 100 |

5. POINTS AWARDED FOR PRICE

The **80/20** preference point system

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

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

Where

| | | |
|------|---|---|
| Ps | = | Points scored for price of tender under consideration |
| Pt | = | Price of tender under consideration |
| Pmin | = | Price of lowest acceptable tender |

6. B-BBEE PREFERENTIAL POINTS WILL BE EVALUATED IN LINE WITH THE FOLLOWING

The SABC shall deal with Suppliers in accordance with the B-BBEE Codes of Good Practice and the Preferential Procurement Policy and Enterprise Development strategy of the SABC. The following will apply and will be adhered to when evaluating RFQ:

| SPECIFIC GOALS | 80/20 |
|---|--------------|
| EME/SME 51% owned by Black people | 10 |
| 51% owned by Black people; | 5 |
| 51% owned by Black people who are women | 3 |
| Black Youth | 2 |

NB: All tenders will be issued to the market with all specific goals, and these will be scored in accordance with the evidence as submitted by the bidder. The bidder who does not meet the specific goals will not be disqualified but score zero.

7. COMMUNICATION

Respondents are warned that a response will be disqualified should any attempt be made by a tenderer either directly or indirectly to canvass any officer(s) or employees of SABC in respect of a tender, between the closing date and the date of the award of the business.

All enquiries relating to this RFQ should be emailed three days before the closing date.

8. CONDITIONS TO BE OBSERVED WHEN TENDERING

- The Corporation does not bind itself to accept the lowest or any tender, nor shall it be responsible for or pay any expenses or losses which may be incurred by the Tenderer in the preparation and delivery of his tender. The Corporation reserves the right to accept a separate tender or separate tenders for any one or more of the sections of a specification. The corporation also reserves the right to withdraw the tender at any stage.
- No tender shall be deemed to have been accepted unless and until a formal contract / letter of intent is prepared and executed.
- The Corporation reserves the right to:

- **Not evaluate and award submissions that do not comply strictly with his RFQ document.**
- **Make a selection solely on the information received in the submissions and**
 - i. Enter into negotiations with any one or more of preferred bidder(s) based on the criteria specified in the evaluation of this tender.
 - ii. Contact any bidder during the evaluation process, in order to clarify any information, without informing any other bidders. During the evaluation process, no change in the content of the RFQ shall be sought, offered or permitted.
 - iii. Award a contract to one or more bidder(s).
 - iv. Accept any tender in part or full at its own discretion.
 - v. Cancel this RFQ or any part thereof at any time.
 - vi. Should a bidder(s) be selected for further negotiations, they will be chosen on the basis of the greatest benefit to the Corporation and not necessarily on the basis of the lowest costs, aligned to the BBBEE & Preference Point system.

9. Cost of Bidding

The Tenderer shall bear all costs and expenses associated with preparation and submission of its tender or RFQ, and the Corporation shall under no circumstances be responsible or liable for any such costs, regardless of, without limitation, the conduct or outcome of the bidding, evaluation, and selection process.

10. PAYMENT TERMS

SABC will effect payment sixty (60) days after the service provider has submitted an invoice.

END OF RFQ DOCUMENT

Annexed to this document for completion and return with the document:

- | | | |
|------------|---|---|
| Annexure A | - | Declaration of Interest |
| Annexure B | - | SBD 6.1 Form |
| Annexure C | - | Consortiums, Joint Ventures and Sub-Contracting Regulations |
| Annexure D | - | Previous completed projects/Current Projects |
| Annexure E | - | SBD 8 & 9 Forms |
| Annexure F | - | Pricing Schedule |

ANNEXURE A

DECLARATION OF INTEREST

1. Any legal or natural person, excluding any permanent employee of SABC, may make an offer or offers in terms of this tender invitation. In view of possible allegations of favoritism, should the resulting tender, or part thereof be awarded to-

- (a) any person employed by the SABC in the capacity of Tenderer, consultant or service provider; or
- (b) any person who acts on behalf of SABC; or
- (c) any person having kinship, including a blood relationship, with a person employed by, or who acts on behalf of SABC; or
- (d) any legal person which is in any way connected to any person contemplated in paragraph (a), (b) or (c),

it is required that:

The Tenderer or his/her authorised representative shall declare his/her position *vis-à-vis* SABC and/or take an oath declaring his/her interest, where it is known that any such relationship exists between the Tenderer and a person employed by SABC in any capacity.

Does such a relationship exist? [YES/NO]

If YES, state particulars of all such relationships (if necessary, please add additional pages containing the required information):

| | [1] | [2] |
|-----------------------|-----|-------|
| NAME | : | |
| POSITION | : | |
| OFFICE WHERE EMPLOYED | : | |
| TELEPHONE NUMBER | : | |
| RELATIONSHIP | : | |

2. Failure on the part of a Tenderer to fill in and/or sign this certificate may be interpreted to mean that an association as stipulated in paragraph 1, *supra*, exists.
3. In the event of a contract being awarded to a Tenderer with an association as stipulated in paragraph 1, *supra*, and it subsequently becomes known that false information was provided in response to the above question, SABC may, in addition to any other remedy it may have:
- recover from the Tenderer all costs, losses or damages incurred or sustained by SABC as a result of the award of the contract; and/or
 - cancel the contract and claim any damages, which SABC may suffer by having to make less favourable arrangements after such cancellation.

SIGNATURE OF DECLARANT

TENDER NUMBER

DATE

POSITION OF DECLARANT

NAME OF COMPANY OR TENDERER

SBD 6.1**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT
REGULATIONS 2022**

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

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

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

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

1.2 **To be completed by the organ of state**

a) The applicable preference point system for this tender is the **80/20** preference point system.

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

- (a) Price; and
- (b) Specific Goals.

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

The maximum points for this tender are allocated as follows:

| SPECIFIC GOALS | 80/20 |
|--|--------------|
| EME/SME 51% owned by Black people | 10 |
| 51% owned by Black people; | 5 |
| 51% owned by Black people who are women | 3 |
| Black Youth | 2 |

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

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right) & \text{or} & P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right) \end{array}$$

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ P_s = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right) & \text{or} & P_s = 90 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right) \end{array}$$

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{max} = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

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

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system: or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

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

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

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

| The specific goals allocated points in terms of this tender | Number of points allocated (80/20 system) (To be completed by the organ of state) | Number of points claimed. (80/20 system) (To be completed by the tenderer) |
|--|---|--|
| SMMEs (inclusive or QSEs and EMEs) 51% owned by Black people | 10 | |
| 51% owned by Black people; | 5 | |
| 51% owned by Black people who are women | 3 | |
| Black Youth | 2 | |

NB: All tenders will be issued to the market with all specific goals, and these will be scored in accordance with the evidence as submitted by the bidder. The bidder who does not meet the specific goals will not be disqualified but score zero

Source Documents to be submitted with the Bid or RFQ

| Specific Goals | Acceptable Evidence |
|-------------------|--|
| B-BBEE | Valid BEE Certificate / Sworn Affidavit (in case of JV, a consolidated scorecard will be accepted) |
| Black Women Owned | Certified ID Documents of the Owners/shareholder |
| Black Youth owned | Certified ID Documents of the Owners |

| | |
|----------------------------|---|
| EME or QSE 51% Black Owned | Annual Financial/ Management Accounts/ B-BBEE Certificate / Affidavit/ Certified ID Documents of the Owners/shareholder |
| 51% Black Owned | CIPC Documents / B-BBEE Certificate/Affidavit/ Certified ID Documents of the Owners/shareholder |
| South African Enterprises | CIPC Documents |

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

(a) disqualify the person from the tendering process;

(b) recover costs, losses, or damages it has incurred or suffered as a result of

that person's conduct;

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

| | |
|--|-------|
| <p>.....</p> <p>SIGNATURE(S) OF TENDERER(S)</p> | |
| SURNAME AND NAME: | |
| DATE: | |
| ADDRESS: | |
| | |
| | |
| | |
| | |

ANNEXURE C

CONSORTIUMS, JOINT VENTURES AND SUB-CONTRACTING REGULATIONS

1. CONSORTIUMS AND JOINT VENTURES

- 1.1 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 B-BBEE status level certificate.
- 1.2 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 tender.

2 SUB-CONTRACTING

- 2.1 A person awarded a contract may only enter into a subcontracting arrangement with the approval of the organ of state.
- 2.2 A person awarded a contract in relation to a designated sector, may not subcontract 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.
- 2.3 A person awarded a contract may not subcontract more than 30% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level of contributor than the person concerned, unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

3 DECLARATION OF SUB-CONTRACTING

- 3.1 Will any portion of the contract be sub-contracted? YES / NO
- 3.2 If yes, indicate:
- 3.2.1 The percentage of the contract will be sub-contracted%
- 3.2.2 The name of the sub-contractor
- 3.2.3 The B-BBEE status level of the sub-contractor.....
- 3.2.4 whether the sub-contractor is an EME YES / NO

SIGNATURE OF DECLARANT

TENDER NUMBER

DATE

POSITION OF DECLARANT

NAME OF COMPANY OR TENDERER

ANNEXURE “D”

Previous completed Host-to-Host projects (*preferably provide a detailed company profile, detailed the below mentioned information*)

| Project Descriptions | Client | Contact no | Contact person | Email address | Period of projects | Value of projects | Project Commence date | Completed date |
|-----------------------------|---------------|-------------------|-----------------------|----------------------|---------------------------|--------------------------|------------------------------|-----------------------|
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Current Host-to-Host projects (*preferably provide a detailed company profile, detailed the below mentioned information*)

| Project Descriptions | Client | Contact no | Contact person | Email address | Period of projects | Value of projects | Project Commence date | Completion date |
|-----------------------------|---------------|-------------------|-----------------------|----------------------|---------------------------|--------------------------|------------------------------|------------------------|
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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 | <p>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?</p> <p>(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).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.1.1 | If so, furnish particulars: | | |
| 4.2 | <p>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)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p> | 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: | | |

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

SBD 9**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ 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).² 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:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² 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

SBD 9

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 consortium³ 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.

³ 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

ANNEXURE “F” PRICING SCHEDULE

| Item | Description | Unit Price | Total Rate (Exclusive of VAT) |
|-------------|---|-------------------|--|
| | | | |
| 1 | Quarterly service rate for 3 Chillers | R | R |
| 2 | Major service rate once p/a for 3 Chillers | R | R |
| 3 | Hourly Fee for Artisan (Normal Hours) | R | R |
| 4 | Hourly Fee for Artisan Assistant (After Hours) | R | R |

- **PRICES QUOTED MUST BE EXCLUSIVE OF VAT.**