

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 RFQ's/Tenders:

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

1.2 To be completed by the organ of state

a) The applicable preference point system for this RFQ/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 RFQ/Tender are allocated as follows:

| | POINTS |
|--|---------------|
| PRICE | 80 |
| SPECIFIC GOALS | 20 |
| Total points for Price and SPECIFIC GOALS | 100 |

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this RFQ/Tender to claim points for **Specific Goals** with the RFQ/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 RFQ/Tender is adjudicated or at any time subsequently, to substantiate any claim regarding 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 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

80/20

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

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{max} = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

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

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

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

Table 1: Specific Goals for the RFQ/Tender and points claimed are indicated as per the table below.

(Where the 80/20 preference point system is applicable, corresponding points will also be indicated as such).

(Note to Tenderers: The tenderer must indicate how they claim points for each preference point system. Failure of the tenderer to submit the fully completed SBD 6.1 with the points claimed and supported by proof/documentation will result in points being forfeited)

| The specific goals allocated points in terms of this RFQ/Tender | Number of points allocated (80/20 system) | Number of points claimed (80/20 system) (To be completed by the Tenderer) |
|---|---|--|
| Micro Enterprise | 8 | |

| Small Enterprise | 5.6 | | | | | | | | | | | | | | | | | |
|--|------|------|------|----|------|------|----|----|---|------|------|------|---|------|------|---|--|--|
| Medium Enterprise | 3.2 | | | | | | | | | | | | | | | | | |
| Large Enterprise | 0.8 | | | | | | | | | | | | | | | | | |
| Ownership (Align to BBBEE points allocation) | 2 | | | | | | | | | | | | | | | | | |
| <table border="1"> <thead> <tr> <th>L1</th> <th>L2</th> <th>L3</th> <th>L4</th> <th>L5</th> <th>L6</th> <th>L7</th> <th>L8</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>1.75</td> <td>1.50</td> <td>1.25</td> <td>1</td> <td>0.75</td> <td>0.25</td> <td>0</td> </tr> </tbody> </table> | L1 | L2 | L3 | L4 | L5 | L6 | L7 | L8 | 2 | 1.75 | 1.50 | 1.25 | 1 | 0.75 | 0.25 | 0 | | |
| L1 | L2 | L3 | L4 | L5 | L6 | L7 | L8 | | | | | | | | | | | |
| 2 | 1.75 | 1.50 | 1.25 | 1 | 0.75 | 0.25 | 0 | | | | | | | | | | | |
| Targeted Group: Youth | 6 | | | | | | | | | | | | | | | | | |
| Target Group: Non-Youth | 1.8 | | | | | | | | | | | | | | | | | |
| Spatial: Rural | 4 | | | | | | | | | | | | | | | | | |
| Spatial: Townships | 2.4 | | | | | | | | | | | | | | | | | |
| Spatial: City | 0.8 | | | | | | | | | | | | | | | | | |

The National Small Enterprise Act thresholds for defining enterprise size classes by sector, using two proxies as gazette 15 March 2019

| Column 1 | Column 2 | Column 3 | Column 4 |
|--|-----------------------------|--|-----------------------|
| Sectors or sub-sectors in accordance with the Standard Industrial Classification | Size or class of enterprise | Total full-time equivalent of paid employees | Total annual turnover |
| Agriculture | Medium | 51 - 250 | ≤ 35,0 million |
| | Small | 11- 50 | ≤ 17,0 million |
| | Micro | 0 - 10 | ≤ 7,0 million |
| Mining and Quarrying | Medium | 51 - 250 | ≤ 210,0 million |
| | Small | 11- 50 | ≤ 50,0 million |
| | Micro | 0 - 10 | ≤ 15,0 million |
| Manufacturing | Medium | 51 - 250 | ≤ 170,0 million |
| | Small | 11- 50 | ≤ 50,0 million |
| | Micro | 0 - 10 | ≤ 10,0 million |
| Electricity, Gas and Water | Medium | 51 - 250 | ≤ 180,0 million |
| | Small | 11- 50 | ≤ 60,0 million |
| | Micro | 0- 10 | ≤ 10,0 million |
| Construction | Medium | 51 - 250 | ≤ 170,0 million |
| | Small | 11- 50 | ≤ 75,0 million |
| | Micro | 0- 10 | ≤ 10,0 million |
| Retail, motor trade and repair services. | Medium | 51 - 250 | ≤ 80,0 million |
| | Small | 11- 50 | ≤ 25,0 million |
| | Micro | 0 - 10 | ≤ 7,5 million |
| Wholesale | Medium | 51 - 250 | ≤ 220,0 million |
| | Small | 11- 50 | ≤ 80,0 million |
| | Micro | 0 - 10 | ≤ 20,0 million |
| Catering, Accommodation and other Trade | Medium | 51 - 250 | ≤ 40,0 million |
| | Small | 11- 50 | ≤ 15,0 million |
| | Micro | 0 - 10 | ≤ 5,0 million |
| Transport, Storage and Communications | Medium | 51 - 250 | ≤ 140,0 million |
| | Small | 11- 50 | ≤ 45,0 million |
| | Micro | 0 - 10 | ≤ 7,5 million |
| Finance and Business Services | Medium | 51 - 250 | ≤ 85,0 million |
| | Small | 11- 50 | ≤ 35,0 million |
| | Micro | 0- 10 | ≤ 7,5 million |
| Community, Social and Personal Services | Medium | 51 - 250 | ≤ 70,0 million |
| | Small | 11- 50 | ≤ 22,0 million |
| | Micro | 0 - 10 | ≤ 5,0 million |

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:
.....

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

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

acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and

- (e) forward the matter for criminal prosecution, if deemed necessary.

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

SURNAME AND NAME:

DATE:

ADDRESS:

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