



## REQUEST FOR QUOTATION

Terms of Reference

### **APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE FORENSIC INVESTIGATION SERVICES**

RFQ NO.

**RFQ-114-22**

# REQUEST FOR QUOTATION

You are hereby invited to submit a price quotation for:  
**APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE FORENSIC INVESTIGATION SERVICES**

|                                       |  |
|---------------------------------------|--|
| <b>RFQ NUMBER:</b>                    | <b>RFQ-114-22</b>  |
| <b>ADVERTISEMENT DATE:</b>            | <b>30 November 2022</b>  |
| <b>CLOSING DATE:</b>                  | <b>07 December 2022</b>  |
| <b>CLOSING TIME:</b>                  | <b>12:00</b>   |
| <b>BID DOCUMENT DELIVERY ADDRESS:</b> | <a href="mailto:scmquotations@sanparks.org">scmquotations@sanparks.org</a> (Please note that any submissions made to any other email other than the designated email will not be accepted) |
| <b>BID VALIDITY PERIOD:</b>           | <b>90 days (commencing from the RFQ Closing Date)</b>  |
| <b>TECHNICAL RELATED QUERIES</b>      | <b>Hanlie Schoeman</b>   |
| <b>SCM RELATED QUERIES</b>            | <b>Mpho Masia</b>  |

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

Bidders shall submit proposal responses in accordance with the prescribed manner of submissions as specified above. Bids received after the time stipulated shall not be considered.

Where applicable, the successful bidder will be required to fill in and sign a written Contract Form (SBD 7).

Bidders are not allowed to contact any other SANParks staff in the context of this RFQ other than the indicated officials under SBD 1 or as indicated above.

**NB: No proposal shall be accepted by SANPARKS if submitted in any manner other than as prescribed above.**

## PART A INVITATION TO BID

|  |  |                  |  |                               |  |
|--|--|------------------|--|-------------------------------|--|
| <b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE SOUTH AFRICAN NATIONAL PARKS</b>  |  |                  |  |                               |  |
| BID NUMBER:  | <b>RFQ-114-21</b>  | CLOSING DATE:    | <b>07 December 2022</b>  | CLOSING TIME:                 | <b>12:00</b>   |
| DESCRIPTION  | <b>APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE FORENSIC INVESTIGATION SERVICES</b>  |                  |  |                               |  |
| <b>BID RESPONSE DOCUMENTS MUST BE SENT TO THE DESIGNATED EMAIL ADDRESS</b>   |  |                  |  |                               |  |
| <a href="mailto:scmquotations@sanparks.org">scmquotations@sanparks.org</a>   |  |                  |  |                               |  |
| <b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>  |  |                  | <b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>                                 |                               |  |
| CONTACT PERSON   | <b>Mpho Masia</b>  | CONTACT PERSON   | <b>Hanlie Schoeman</b>   |                               |  |
| TELEPHONE NUMBER   | <b>012 426 5083</b>  | TELEPHONE NUMBER | <b>012 426 5296</b>  |                               |  |
| E-MAIL ADDRESS   | <a href="mailto:mpho.masia@sanparks.org">mpho.masia@sanparks.org</a>                 | E-MAIL ADDRESS   | <a href="mailto:hanlie.schoeman@sanparks.org">hanlie.schoeman@sanparks.org</a> |                               |  |
| <b>SUPPLIER INFORMATION</b>  |  |                  |  |                               |  |
| NAME OF BIDDER   |  |                  |  |                               |  |
| POSTAL ADDRESS   |  |                  |  |                               |  |
| STREET ADDRESS   |  |                  |  |                               |  |
| TELEPHONE NUMBER   | CODE   |                  | NUMBER   |                               |  |
| CELLPHONE NUMBER   |  |                  |  |                               |  |
| E-MAIL ADDRESS   |  |                  |  |                               |  |
| VAT REGISTRATION NUMBER  |  |                  |  |                               |  |
| SUPPLIER COMPLIANCE STATUS   | TAX COMPLIANCE SYSTEM PIN:   |                  | OR   | CENTRAL SUPPLIER DATABASE No: | MAAA   |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE   | TICK APPLICABLE BOX]<br><br><input type="checkbox"/> Yes <input type="checkbox"/> No |                  | B-BBEE STATUS LEVEL SWORN AFFIDAVIT  |                               | [TICK APPLICABLE BOX]<br><br><input type="checkbox"/> Yes <input type="checkbox"/> No                |
| <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<br>[IF YES ENCLOSE PROOF]   |                  | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?       |                               | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES, ANSWER THE QUESTIONNAIRE BELOW] |
| <b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>  |  |                  |  |                               |  |
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>  |  |                  |  |                               |  |
| DOES THE ENTITY HAVE A BRANCH IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>  |  |                  |  |                               |  |
| DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>   |  |                  |  |                               |  |
| DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>  |  |                  |  |                               |  |
| IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>  |  |                  |  |                               |  |
| <b>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.</b> |  |                  |  |                               |  |

## PART B TERMS AND CONDITIONS FOR BIDDING

|   |
|---|
| <b>1. BID SUBMISSION:</b>   |
| 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.  |
| 1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b>   |
| 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.                         |
| 1.4. <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>  |
| <b>2. TAX COMPLIANCE REQUIREMENTS</b>   |
| 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.  |
| 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.                                       |
| 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE <a href="http://WWW.SARS.GOV.ZA">WWW.SARS.GOV.ZA</a> .  |
| 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.  |
| 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.  |
| 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.   |
| 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE." |

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

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

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

DATE:

.....

## **1. PURPOSE**

The purpose of this RFQ is to appoint a service provider to provide forensic investigation services on an “as and when” required basis for a period of one (1) year.

## **2. BACKGROUND**

South African National Parks (SANParks) is a public entity functioning under National Environmental Management: Protected Areas Act 57 of 2003 (Act 57 of 2003); with the mandate to conserve; protect; control; and manage national parks and other defined protected areas and their biological diversity (Biodiversity). As a public entity, SANParks is also governed by the Public Finance Management Act, Act 1 of 1999 (as amended by Act 29 of 1999), and it is listed as Schedule 3 Part A: public entities.

SANParks’ operations are totally guided by its vision statement and mission statement. As a public entity, the organisation is committed to act in pursuance of transformation of South Africa’s society in support of entrenching South Africa’s democracy. In this regard, the organisation has adopted a transformation mission to guide its efforts accordingly.

## **3. SCOPE OF WORK**

The forensic investigation service is sought on an “as and when required basis”. SANParks will engage the services of the service provider as and when it deems necessary.

Investigation projects may include services in terms of forensic investigation techniques including, but not limited to, polygraph testing, background checks, imaging and analysis of electronic devices (computers, laptops, mobile phones etc.). The methodologies utilised will depend on the nature and extent of the allegations received by SANParks and the terms of reference of the investigation.

Once an allegation has been referred to the service provider, the service provider will be required to:

- a) Analyse allegation and prepare a project plan and budget with clear timelines and deliverables.
- b) On approval of the project plan, conduct investigation and collect evidence.
- c) Develop draft and final report.

The service provider will furnish the SANParks with a report on the factual findings, including supporting evidence, resulting from its investigation as well as specific recommendations. The recommendations should also determine measures for the remediation of control weaknesses identified during the investigation process.

The service provider shall work in conjunction with the General Manager: Enterprise Risk Management (GM:ERM), or his/her delegate, during the investigation process.

The service provider will be required to provide regular progress reports during the investigation to the GM:ERM. The timing of said progress reports will depend on the duration of the investigation and will be determined by the GM:ERM.

All intellectual property including the investigation reports, supporting documentation and working papers will become the property of the SANParks.

#### **4. COMPLIANCE AND GOVERNANCE VERIFICATION DOCUMENTS (Standard Bidding Documents)**

The verification during this phase is to assess the bid responses for purposes of verifying compliance with RFQ requirements, whereby a bidder may be disqualified if they do not fully comply which requirements as stipulated below:

- Submission of fully completed SBD1 (Invitation to Bid),
- Submission of a quotation on the company letterhead,
- Submission of fully completed SBD 4 (Bidder's disclosure),
- Submission of fully completed SBD 6.1 (Preference Claim Certificate), accompanied by the original or certified B-BBEE Status Level Verification Certificate or original B-BBEE Sworn Affidavit,
- Submission of fully completed SBD 7.2

#### **5. CENTRAL SUPPLIER DATABASE INFORMATION**

Bidders are required to be registered on the Central Supplier Database (CSD) of National Treasury. Failure to submit the requested information may lead to disqualification. (Please provide proof of registration on the Central Supplier Database)

## 6. EVALUATION PHASES

### **PHASE 1: MINIMUM REQUIREMENTS COMPLIANCE RESPONSIVENESS CRITERIA**

In this phase All proposals received will be verified for compliance and completeness of the submitted proposal per the set of minimum requirements as listed under paragraph 4

### **PHASE 2: MANDATORY REQUIREMENTS COMPLIANCE RESPONSIVENESS CRITERIA**

- **References**
- **Company's Years of Experience**
- **Lead Team Member's Years of Experience**
- **Team Members' Years of Experience**

### **PHASE 3: PRICE AND PREFERENCE (B-BBEE)**

|  |            |
|--|------------|
| Price                                    | 80%        |
| B-BBEE                                   | 20%        |
| <b>TOTAL POINTS FOR PRICE AND B-BBEE</b> | <b>100</b> |

## 7. MANDATORY REQUIREMENTS

A vendor will be disqualified if they do not fully comply with all mandatory requirements. No "unanswered" questions will be allowed. If a response to a question has been indicated as comply but not elaborated upon or **substantiated** it shall be regarded as mandatory non-compliance and the bidder will be disqualified.

### **a) References**

|   |               |                   |
|---|---------------|-------------------|
| Three (03) contactable references where similar projects of a similar scope which were successfully completed in the previous years, in forensic investigations | <b>Comply</b> | <b>Not Comply</b> |
|   |               |                   |
| <b>Substantiate/comment/evidence:</b> Provide client reference letters with contact details   |               |                   |

**b) Company's Years of Experience**

|   |               |                   |
|---|---------------|-------------------|
| The bidder must have a least eight (8) years' experience in providing forensic investigation services | <b>Comply</b> | <b>Not Comply</b> |
|   |               |                   |
| <b>Substantiate/comment/evidence:</b> Provide company profile   |               |                   |

**c) Lead Team Member's Years of Experience**

|  |               |                   |
|--|---------------|-------------------|
| The lead team member must have relevant qualification and not less than 10 years' experience in conducting similar assignments as well as at least be affiliated or certified with the relevant professional bodies in the forensic space. | <b>Comply</b> | <b>Not Comply</b> |
|  |               |                   |
| <b>Substantiate/comment/evidence:</b> Provide comprehensive CV & certified copies of qualifications. Provide a certified copy of ACFE certification or relevant professional body  |               |                   |

**d) Team Members' Years of Experience**

|  |               |                   |
|--|---------------|-------------------|
| Each team member must have relevant qualifications and not less than 3 years' experience in conducting similar assignments as well as at least be affiliated or certified with the relevant professional bodies in the forensic space. | <b>Comply</b> | <b>Not Comply</b> |
|  |               |                   |
| <b>Substantiate/comment/evidence:</b> Provide comprehensive CVs & certified copies of qualifications. Provide certified copies of ACFE certification or relevant professional body   |               |                   |



## 8. PRICING

| APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE FORENSIC INVESTIGATION SERVICES |                            |          |                      |       |
|--|----------------------------|----------|----------------------|-------|
| NO   | DESCRIPTION                | QUANTITY | UNIT PRICE           | TOTAL |
| 1  | Project Manager            | 1        | Rate per hour        |       |
| 2  | Team leader                | 1        | Rate per hour        |       |
| 3  | <b>Senior Investigator</b> | <b>1</b> | <b>Rate per hour</b> |       |
| 4  | Mobile Forensics           | 1        | Rate per device      |       |
| 5  | Computer Forensics         | 1        | Rate per device      |       |
| 6  | Handwriting Analysis       | 1        | Rate per hour        |       |
|  | TOTAL                      |          |                      |       |
|  | VAT @15%                   |          |                      |       |
|  | GRAND TOTAL                |          |                      |       |

- The service provider must use the AA rates for kilometre claims;
- The service provider must adopt the SANParks subsistence policy to claim for daily allowance, which currently is R303.00 per night;
- Accommodation will be provided in parks and will be arranged through the ERM Department unit. Where accommodation is not available, the service provider will arrange own accommodation in close proximity of the park to be visited. Three-star rating accommodation will be reimbursed.

## 9. PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013 (POPIA)

SANParks adheres to the Protection of Personal Information Act, 4 of 2013 (POPIA) requirements regarding personal information which came into effect 1 July 2021.

As SANParks, we are committed to protecting your privacy and ensuring that personal information collected is used properly, lawfully and transparently.

## 10. TIMELINES

Upon appointment the recommended service provider are expected to confirm their to deliver as per the scope of work, failure to confirm, SANParks may reserve the right to cancel the contract.

## **11. FINANCIAL PAYMENT**

Payment will be effected in accordance with the PFMA (within 30 days of receipt of invoice) after services has been rendered.

## **12. FINAL AWARD**

SANParks recommends the bidder who has quoted on all the items as required in terms of the RFQ for the contract award subject to the bidder having supplied the relevant administrative documentation and complied in all aspects with the terms and conditions and requirements of the RFQ.

**SBD4  
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 |
|-----------|-----------------|---------------------------|
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |

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

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

2.2.1 If so, furnish particulars:

.....  
.....

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.

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

- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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 POLICY FRAMEWORK ACT 5, 2000**

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 POLICY FRAMEWORK ACT 5, 2000**

**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; or

**1.3** Points for this bid shall be awarded for:

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

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

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

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

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

## **2. DEFINITIONS**

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
  - 1)** B-BBEE Status level certificate issued by an authorized body or person;
  - 2)** A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;

**3)** Any other requirement prescribed in terms of the B-BBEE Act;

- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

### **3. POINTS AWARDED FOR PRICE**

#### **3.1 THE 80/20 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 Paragraph 2 (1) of the Preferential Procurement Policy Framework Act, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

| <b>B-BBEE Status Level of Contributor</b> | <b>Number of points<br/>(80/20 system)</b> |
|---|--|
| 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 PPPFA,2000**

- 6.1** B-BBEE Status Level of Contributor:      =      ..... (maximum of 20 points)
- (Points claimed in respect of Paragraph 6.1 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 |  | NO |  |
|-----|--|----|--|

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 |  | NO |  |
|-----|--|----|--|

## 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**

.....

.....

.....

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**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 4.1 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.

### CONTRACT FORM - RENDERING OF SERVICES

**THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.**

#### PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
  - (i) Bidding documents, viz
    - Invitation to RFQ
    - Pricing schedule(s);
    - Bidders Disclosure;
    - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Policy Framework Act 5, 2000
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

#### WITNESSES

1 .....

2 .....

DATE: .....

## CONTRACT FORM - RENDERING OF SERVICES

### PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I.....in my capacity as.....  
accept your bid under reference number .....dated.....for the rendering of  
services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions  
of the contract, within 30 (thirty) days after receipt of an invoice.

| DESCRIPTION OF<br>SERVICE | PRICE (ALL<br>APPLICABLE TAXES<br>INCLUDED) | COMPLETION<br>DATE | B-BBEE STATUS LEVEL OF<br>CONTRIBUTION |
|---------------------------|---|--------------------|--|
|                           |   |                    |  |

4. I confirm that I am duly authorised to sign this contract.

SIGNED AT .....ON.....

NAME (PRINT) .....

SIGNATURE .....

OFFICIAL STAMP

|  |
|--|
|  |
|--|

WITNESSES

1 .....

2 .....

DATE: .....