

Reference: CONTRACT NO.N.005-012-2018/1R

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Date: 29 November 2023

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SANRAL



BUILDING SOUTH AFRICA
THROUGH BETTER ROADS

Dear Tenderers

CONTRACT NUMBER: N.005-012-2018/1R - FOR PERIODIC MAINTENANCE ON NATIONAL ROUTE 5 FROM SECTION 1 VAALPENSSPRUIT (KM 31.0) TO SECTION 2 SENEKAL (KM 4.4)

ADDENDUM NO. 1

This addendum is issued in terms of Clause C.3.2 of the Tender Data and must be read in conjunction with, and shall be deemed to form part of, the Tender Document.

Kindly acknowledge receipt of this addendum by completing the ACKNOWLEDGEMENT OF ADDENDUM below. Failure to acknowledge this addendum may invalidate the Tender.

Yours sincerely,

PROCUREMENT OFFICER



CONTRACT NUMBER:

THIS ADDENDUM CONTAINS THE FOLLOWING: N.005-012-2018/1R - FOR PERIODIC MAINTENANCE ON NATIONAL ROUTE 5 FROM SECTION 1 VAALPENSSPRUIT (KM 31.0) TO SECTION 2 SENEKAL (KM 4.4)

- **PART A: AMENDMENTS TO THE TENDER DOCUMENT**
- **PART B: QUESTIONS & ANSWERS FORM THE PREVIOUS DOCUMENT**

PART A: AMENDMENTS TO THE TENDER DOCUMENT

1. AMENDMENTS TO VOLUME 3 PROJECT DOCUMENT (PLEASE NOTE RED IS TO INDICATE THE CHANGES)

Delete any reference to project number below in the tender document:

CONTRACT SANRAL N.005-012-2018/1

Replace with:

CONTRACT SANRAL N.005-012-2018/1R

AMEND T1.1 AS FOLLOWS:

T1.1 TENDER NOTICE AND INVITATION TO TENDER (Incorporating SBD1)

The South African National Roads Agency SOC Limited (SANRAL) invites tenders for Periodic Maintenance on National Route 5 From Section 1 Vaalpensspruit (km 31.0) to Section 2 Senekal (km 4.4). This project is in the province of the Free State in the Thabo Mofutsanyana District Municipality within the Setsoto and Dihlabeng Local Municipalities. The approximate duration is 21 months including three months for the Mobilisation Period described in item PC1.3.1.3 of the Project Specifications.

CIDB Regulation 25(1B) will not be applicable to this contract.

Only tenderers who are registered on the National Treasury Central Supplier Database as stated in the Tender Data C.2.1.1, are eligible to tender.

It is estimated that tenderers should have a CIDB contractor grading designation of **9 CE** or higher, however tenderers attention is drawn to clause C.2.1.1 of the Tender Data when submitting their tender.

Tenders from tenderers registered as potentially emerging enterprises but with a CIDB contractor grading designation lower than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25(7A) of the Construction Industry Development Regulations, will not be accepted.

DELETE THE FOLLOWING:

It is a requirement of this project that the successful tenderer subcontract a minimum of 40 percent (40 %) or higher as tendered of the work by the end of the contract to Targeted Enterprise(s) as defined in the Contract Data.

REPLACE WITH THE FOLLOWING:

It is a requirement of this project that the successful tenderer subcontract a minimum of 30 percent (30 %) or higher as tendered of the work by the end of the contract to Targeted Enterprise(s) as defined in the Contract Data.

TENDER DOCUMENTS

Tender documents are available from **29 November 2023** at no cost in electronic format downloaded from the SANRAL's website by the following link: https://www.nra.co.za/sanral-tenders/status?region_id=national

Tenderers must have access to MS Office ©2013 and Acrobat Adobe ©9.0, or similar compatible software.

Tenderers must submit, via email, the duly completed Form A1.1 Certificate of Intention to Submit a tender prior to **04 December 2023**. Failure to submit this certificate would result in the tenderer not receiving addenda or additional issued information and may result in the tenderer being non-responsive.

TENDERER'S MEETING

A non-compulsory clarification briefing meeting will be held via a virtual platform on **05 December 2023** at 10:00 where the project will be presented.

Link For Clarification Meeting: [Click here to join the meeting](#)

COMPLETION AND DELIVERY OF TENDERS

The closing time for receipt of tenders is 11h00 on **14 December 2023**.

Telegraphic, telephonic, telex, email, facsimile, and late tenders will not be accepted.

Tenders may only be submitted in the format as stated in the Tender Data.

Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the Tender Data.

Queries relating to issues arising from these documents may be addressed to:

E-mail: procurement7@sanral.co.za.co.za

The following amendments and additions to the Project Document shall apply:

PAGE	CLAUSE / ITEM	AMENDMENT / ADDITION
PART T1: TENDERING PROCEDURES		
Book1 T-4	Tender Notice	COMPLETION AND DELIVERY OF TENDERS Amend the closing time for receipt of tenders to "11h00 on 14 December 2023".
Book 1	C2.8	Seek clarification. Delete the following: Request clarifications at least 12 (twelve) working days before the closing date. Replace with the following: Request clarifications at least 7 (seven) working days before the closing date.
Book 1 T-13	C2.15	Amend the closing time for receipt of tenders to "11h00 on 14 December 2023".
Book 1	C3.1.1	Delete the following: The Employer shall respond clarifications received up to 12 (twelve) working days before tender closing date. Replace with the following: The Employer shall respond clarifications received up to 7 (seven) working days before tender closing date. The Employer shall respond to any clarifications from the tenderers emanating from the addenda until 3 (three) working days before tender closing date.
Book 1	C3.2	The employer shall issue addenda until 10 (ten) working days before tender closing date.
Book 1 T-14	C3.4.1	Amend the opening time of the tender offer via live streaming to "11h00 on 14 December 2023"

T-16	C3.9.4	<p><i>Add the following:</i></p> <p>Where there is an omission of a line item, no correction is possible, and the offer may be declared non-responsive.</p> <p><i>Should the original price not be retained after balancing, the tenderer will be rendered non-responsive.</i></p> <p>Declare as non-responsive and reject any offer from a tenderer who elects not to accept the proposed correction of the errors, omissions or imbalanced rates.</p> <p><i>During testing of tender responsiveness, clause C.3.8 of CIDB tender conditions will be applicable.</i></p> <p><i>Delete the following:</i></p> <p>Declare as non-responsive and reject any offer from a tenderer who elects not to accept the proposed correction of the; errors, omissions or imbalanced rates, and subject the tenderer to the sanction under C.2.</p> <p><i>Replace with the following:</i></p> <p><i>Declare as non-responsive and reject any offer from a tenderer who elects not to accept the proposed correction of the errors, omissions, or imbalanced rates.</i></p>
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Delete and replace with:

Evaluating price and preference

i. 80/20 preference point system for acquisition of goods and services for Rand value equal to or above R2 000 and up to R50 million

The following formula will be used to calculate the points out of 80 for price:

$$P_s = 80(1 - (P_t - P_m) / P_m)$$

Where:

P_s is the points scored for price of tender under consideration.

P_t is the price of the tender under consideration; and

P_m is the price of the lowest acceptable tender.

ii. 90/10 preference point system for acquisition of goods and services for Rand value above R50 million

The following formula will be used to calculate the points out of 90 for price:

$$P_s = 90(1 - (P_t - P_m) / P_m)$$

Where:

P_s is the points scored for price of tender under consideration.

P_t is the price of the tender under consideration; and

P_m is the price of the lowest acceptable tender.

In the event that the calculated value is negative, the allocated score shall be 0 (zero).

Scoring preference (Specific Goals):

Points for specific goals will be awarded according to the table below:

Specific goals	Criteria	10 points		20 points	
		Point allocation	Maximum points	Point allocation	Maximum points
B-BBEE Level	Level 1	10.00	10.00	20.00	20.00
	Level 2	9.00		18.00	
	Level 3	6.00		14.00	
	Level 4	5.00		12.00	
	Level 5	4.00		8.00	
	Level 6	3.00		6.00	
	Level 7	2.00		4.00	
	Level 8	1.00		2.00	
	Non-compliant contributor	0.00		0.00	

A valid B-BBEE verification certificate or A valid Sworn Affidavit must be submitted.

		<p><i>Delete the following:</i></p> <p>2. Black ownership</p> <p>i) The bidder must complete Form C1.3: Black ownership declaration.</p> <p>ii) *Verification of ownership will be based on share certificate. SANRAL reserves the right to engage with the shareholders.</p> <p>3. Sub-contracting</p> <p>i) Tenderers must complete Form C1.4: Sub-contracting declaration.</p>
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Book 1	C3.13	<p>In the first paragraph replace “C.3.13(g) to (k)” with “C.3.13(g) to (l)”</p> <p>Add the following after k):</p> <p>l) Price negotiations.</p> <ol style="list-style-type: none"> 1. If the price offered by a tenderer scoring the highest points is not market related, the Organ of state may not award the tender to that tenderer. 2. The Organs of state may – <ol style="list-style-type: none"> i. Negotiate a market related price with the tenderer scoring the highest points or cancel the tender; ii. If the tenderer does not agree to a market related price, negotiate a market related price with the tenderer scoring the second highest points or cancel the tender; iii. If the tenderer scoring the second highest points does not agree to a market related price, negotiate a market related price with the tenderer scoring the third highest points or cancel the tender; 3. If a market related price is not agreed as envisaged in paragraph 2(iii), the organ of state must cancel the tender.
PART T2.1: RETURNABLE SCHEDULES		
Book 1	Form C1.3	<p>Delete the following form:</p> <p>Form C1.3: Black ownership declaration</p>
	Form C1.4	<p>Delete the following form:</p> <p>Form C1.4: Sub-contracting declaration</p>
PART T2.2: RETURNABLE SCHEDULES		
Book 1	Table Of Content	<p>Delete the following forms to the Table of Content:</p> <p>FORM C1.3: BLACK OWNERSHIP DECLARATION</p> <p>FORM C1.4: SUB-CONTRACTING DECLARATION</p>

	Form A1.1	<p>Replace the Notes to Tenderer in Form A1.1 with the following:</p> <p>Notes to Tenderer:</p> <ol style="list-style-type: none"> 1. The duly completed certificate of intention to submit a tender <u>must</u> be submitted by whoever intends to tender for this particular tender prior to 4 December 2023. <u>Failure to submit the certificate of intention to tender within the required period may render the tenderer non-responsive and SANRAL does not accept responsibility for any communication not received by the tenderer timeously.</u> 2. Failure to submit this certificate would result in the tenderer not receiving addenda or additional issued information and may result in the tenderer being non-responsive if “any material amendment/s” contained in the addenda or additional information is not included in the tender offer/submission. 3. Late notification of intention to tender by a prospective tenderer <u>will not</u> necessarily result in the tender closing date being extended. 4. Should you intend to submit a tender for this particular tender please sign the certificate, scan and email the completed document to the email address indicated in T1.1 of this tender document. 5. The Employer shall send all correspondences, including Addenda, only to the Tenderer’s email address as provided herein; in addition, the Employer shall upload all correspondences on SANRAL website and National Treasury eTender Portal.
	Form A8	Replace Form A8 with attached Appendix A
	Form A13	Replace Form A13 with attached Appendix B
	Form A14	Add Form A14 by utilizing attached Appendix C
	Form C1.2	Replace Form C1.2 with attached Appendix D
<i>BOOK 2</i>		
Book 2	C1.2.1	<p>Delete the word “or” at the end of sub-paragraph (g) and add the word “or” at the end of sub-paragraph (h)</p> <p>Add the following after sub-paragraph (h)</p> <ol style="list-style-type: none"> (i) In the event that its director/s are found guilty by a Court of Law on the counts of fraud charges against them, SANRAL reserves the right to terminate the contract and to assert all legal recourse available to it.

Book 2	C1.2.2	<p>Replace the data for Clause A4.4, with the following:</p> <p>The percentage of the contract value that may be sublet is dependent on the Minimum Targeted Enterprise subletting targets and shall not exceed the Maximum Subcontracting allowed % as per the following table:</p> <table border="1" data-bbox="504 300 1107 607"> <thead> <tr> <th data-bbox="504 300 818 409">Minimum Targeted Enterprise (TE) subletting (%)</th> <th data-bbox="818 300 1107 409">Maximum Subcontracting allowed (%)</th> </tr> </thead> <tbody> <tr> <td data-bbox="504 409 818 450">≤30</td> <td data-bbox="818 409 1107 450">50</td> </tr> <tr> <td data-bbox="504 450 818 490">>30 to ≤40</td> <td data-bbox="818 450 1107 490">60</td> </tr> <tr> <td data-bbox="504 490 818 530">>40 to <45</td> <td data-bbox="818 490 1107 530">65</td> </tr> <tr> <td data-bbox="504 530 818 571">≥45 to <50</td> <td data-bbox="818 530 1107 571">70</td> </tr> <tr> <td data-bbox="504 571 818 607">≥50</td> <td data-bbox="818 571 1107 607">80</td> </tr> </tbody> </table>	Minimum Targeted Enterprise (TE) subletting (%)	Maximum Subcontracting allowed (%)	≤30	50	>30 to ≤40	60	>40 to <45	65	≥45 to <50	70	≥50	80
Minimum Targeted Enterprise (TE) subletting (%)	Maximum Subcontracting allowed (%)													
≤30	50													
>30 to ≤40	60													
>40 to <45	65													
≥45 to <50	70													
≥50	80													
<i>BOOK 3</i>														
Book 3	Part C3	<p>Delete the Specification Data for CPG for Targeted Enterprise (but keep the minimum contribution by target groups unchanged) and replace with:</p> <p>Minimum of 30% of the Final Contract Value by the end of the contract to Targeted Enterprises.</p> <p>The Final Contract Value for purposes of this clause, is defined in clause D1003.04.</p>												

PART B: QUESTIONS & ANSWERS AFTER THE CLARIFICATION MEETING

SECTION B: QUESTIONS AND ANSWERS AFTER THE CLARIFICATION MEETING

Question 01:

What is the amount for PC20.1.5 – Financial contribution for an independent laboratory, as this is not stated?

Clarification:

This negative rate is to be provided by the contractor. It is the contractor's financial contribution towards an independent site laboratory.

Question 02:

In the clarification presentation page 48 of 61, it has been stated that the base repair will be done to 150mm, as well as in the Bill of Quantities C5.5.16.2&3? But C4.1.2.1a Pavement design in VOLUME 3 states 200mm. Which one is correct (150mm or 200mm)?

Clarification:

Please refer to Book 3, Section B: Specification Data, Chapter 5, Section A5.5, Clause A5.5.7.1 a): all base distresses will be repaired to a depth of 200mm. An updated pricing Schedule is included with this addendum in which only the description of pay items C5.5.16.2 (c) and C5.5.16.3 (c) are amended to reflect the correct depth of 200mm the quantities remain the same as the error only related to the description.

Question 03:

Where will item C10.1.22 be applied? (Bituminous single seal and slurry, including a cover spray if specified).

Clarification:

To accommodate traffic on base repairs that did not receive an asphalt surfacing, allowance has been made to place a 10mm bituminous single seal (Armour seal), grade 1 aggregate, with 70/100 bitumen binder, and 65% cationic emulsion cover spray with fine grade slurry.

Question 04:

Is item C1.2.3 in Schedule A1 applicable on all sections?

Clarification:

Yes.

Question 05:

If asphalt surfacing: Item C9.1.5.2(e) is not to cover the new base C5.5.16.2&3, we believe that item C10.1.22 will not be efficient to hold it until the final seal at the end of the contract.

Clarification:

The design calls for an armour seal to be placed on the BSM base to protect the base from damage until the final seal is placed.

The South African National Roads Agency SOC Limited
P.O. Box 415
Pretoria
0001

CONTRACT NUMBER: N.005-012-2018/1R

ACKNOWLEDGEMENT OF ADDENDUM NO. 01

I _____

Representing Messrs _____

Hereby acknowledge that I have received the above Addendum and that I am conversant with the contents thereof.

SIGNATURE: _____

DATE: _____

This Addendum is to be read in conjunction with and shall be deemed to form part of the Contract Documents.

You must therefore acknowledge receipt of this addendum by emailing this form to the South African National Roads Agency SOC Limited at ProcurementER7@nra.co.za and the original must be attached to the Returnable Schedules.

Failure to acknowledge receipt of this addendum may invalidate the Tender.

Appendix A

FORM A8: TENDERER'S REGISTERED FINANCIAL SERVICE PROVIDER LETTER AND BANK DETAILS

SUBCONTRACT NO.

FOR

UNDER CONTRACT SANRAL N.005-012-2018/1R

**FOR PERIODIC MAINTENANCE ON NATIONAL ROUTE 5 FROM SECTION 1
VAALPENSSPRUIT (KM 31.0) TO SECTION 2 SENEKAL (KM 4.4)**

Notes to tenderer:

1. The tenderer shall attach to this form:
 - 1.1 a letter (dated less than 3 months prior to the tender closing date) from a **registered Financial Service Provider** (registered with the FSB) which :
 - 1.1.1 Provides banking details and declares how the entity conducts its account; and
 - 1.1.2 confirms that the Tenderer has the financial means net of current commitments (independent of any contractual advance payment) available to meet the construction cash flow requirements estimated for the subject contract, or a written confirmation from any registered financial institution; or
 - 1.2 a letter (dated less than 3 months prior to the tender closing date) from the tenderer's independent registered accountant confirming that the Tenderer has the financial means net of current commitments (independent of any contractual advance payment) to meet the construction workflow requirements estimated for the subject contract. The confirmation by an **independent registered accountant** must indicate that the review, to be conducted in terms of ISRS4400, was done in terms of the Section 30 and Regulation 29 of the Companies Act No. 71 of 2008; or
 - 1.3 a letter (dated less than 3 months prior to the tender closing date) from the tenderer's financial sponsorship confirming that the Tenderer has the financial means net of current commitments (independent of any contractual advance payment) to meet the construction workflow requirements estimated for the subject contract
2. If the Tenderer does not have financial means, the tender may be declared non-responsive in terms of clause C.3.13(b) of the Tender Data.
3. The Tenderer (and in the event of a joint venture, the joint venture member's combined) shall have available capital in excess of R_____, *Note to compiler Delete this note for CIDB 1 to 5. Stipulate 2.5% of the estimated contract value for CIDB 6 and 7, 5% of the estimated contract value for CIDB 8 and 9*
4. In the event that the tenderer is a joint venture enterprise, details of all the members of the joint venture shall be similarly provided and attached to this form.

Option 1 - Letter to be on the tenderer's registered Financial Service Provider's letter head

RE: ACCOUNT CONDUCT AND/OR CASHFLOW CONFIRMATION

To Whom It May Concern:

We hereby confirm that *(Insert Tenderer's Name)* has been banking with **xxxx** Bank for a period of **xxx years** and the account has been conducted in a satisfactory manner.

The *(Insert Tenderer's Name)* has the financial means, net of current commitments, available to meet the construction cash flow requirements to the value of R..... for contract..... *(insert contract number)*
(Note to tenderer; if cash/low confirmation is provided by another institution, delete this paragraph)

- i) Name of Account Holder:.....
- ii) Account number:.....
- iii) Bank name:.....
- iv) Branch number:
- v) Bank and branch contact details:

RE: ACCOUNT CONDUCT

To Whom It May Concern:

We hereby confirm that *(Insert Tenderer's Name)* has been banking with **xxxx** Bank for a period of **xxx years** and the account has been conducted in a satisfactory manner.

- vi) Name of Account Holder:.....
- vii) Account number:.....
- viii) Bank name:.....
- ix) Branch number:
- x) Bank and branch contact details:

Option 2 - Letter to be on the tenderer's independent registered accountant letter head

RE: CASHFLOW CONFIRMATION (independent registered accountant)

To Whom It May Concern:

The *(Insert Tenderer's Name)* has the financial means, net of current commitments, available to meet the construction cash flow requirements to the value of R..... for contract..... *(insert contract number)*.

Appendix B

PART A

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

YES

NO

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.

PART B:

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p> <p>1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</p>
2. TAX COMPLIANCE REQUIREMENTS
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>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.</p> <p>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."</p>

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:

Appendix C

FORM A 14: DECLARATION OF TENDERER'S FINANCIAL SUBMISSION

CONTRACT SANRAL NO. N.005-012-2018/1R

Reg. No. 1998/009584/30

FOR PERIODIC MAINTENANCE ON NATIONAL ROUTE 5 FROM SECTION 1 VAALPENSSPRUIT (KM 31.0) TO SECTION 2 SENEKAL (KM 4.4)

Notes to tenderer:

1. The signatory for the tenderer shall complete and sign this form declaring his/her understanding of the declaration form taking note of the points extracted below as contained in the tender document.
2. I, the undersigned, declare that:

I have submitted a balanced tender and have not tendered any negative rates, besides of Combined Site Laboratory contribution . I accept the risk of doing any work at our own tendered rates. However, I will rebalance my unit rates on request from the Employer where any unduly low or high rates are pointed out. I realise that by balancing my unit rates my tender amount will remain unchanged as prescribed in clause C.3.9 of the tender document.

The above information is to the best of my knowledge true and accurate.

SIGNATURE:

Signed and sworn before me at on the day of 20...

The deponent having:

- (I) acknowledged that he/she knows and understands the contents hereof;
- (ii) confirmed that he/she has no objection to the taking of the prescribed oath;
- (iii) that he/she considered the prescribed oath as binding upon his/her conscience; and

COMMISSIONER OF OATHS

Appendix D

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

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 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 90/10 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:

	POINTS
PRICE	90
SPECIFIC GOALS	10
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 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:

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

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

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.

Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such).

The specific goals allocated points in terms of this tender	Criteria	Number of points allocated (90/10 system)	Number of points allocated (80/20 system)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)

B-BBEE level scorecard of the tendering entity.	B-BBEE Level 1	10.00	20.00		
	B-BBEE Level 2	9.00	18.00		
	B-BBEE Level 3	6.00	14.00		
	B-BBEE Level 4	5.00	12.00		
	B-BBEE Level 5	4.00	8.00		
	B-BBEE Level 6	3.00	6.00		
	B-BBEE Level 7	2.00	4.00		
	B-BBEE Level 8	1.00	2.00		
	Non-compliant contributor	0.00	0.00		

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

5. DECLARATION WITH REGARD TO COMPANY/FIRM

5.1. Name of company/firm.....

5.2. Company registration number:

5.3. 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]

5.4. 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:

