

<b>COMPANY NAME:</b>	ONDERSTEPOORT BIOLOGICAL PRODUCTS
<b>TENDER DESCRIPTION:</b>	REQUEST FOR PROPOSAL: For a Panel of suppliers to supply OBP with Coal for a period of 3 years At Onderstepoort Biological Products SOC LTD
<b>COMPULSORY BRIEFING SESSION:</b>	<b>NONE</b>
<b>CLOSING DATE:</b>	<b>14 December 2023</b>
<b>CLOSING TIME:</b>	<b>13H00</b>
<b>RESPONSES MUST BE HAND DELIVERED/COURIERED TO:</b>	ONDERSTEPOORT BIOLOGICAL PRODUCTS SOC LTD 100 OLD SOUTPAN ROAD, ONDERSTEPOORT PRETORIA  NO FAXED OR E-MAILED BIDS WILL BE CONSIDERED
<b>ATTENTION:</b>	THE SUPPLY CHAIN MANAGER
N.B. ALL TENDERERS MUST ENSURE THAT THEY SIGN THE TENDER SUBMISSION REGISTER THAT WILL BE KEPT AT THE RECEPTION AREA AT OBP UPON SUBMISSION OF THEIR BID	

## TENDERING STRUCTURE

<b>Indicate the type of Bidding Structure by marking with an 'X':</b>	
Individual Bidder	
Joint Venture	
Consortium	
Using sub-contractors	
Other	

<b>If individual bidder, indicate the following:</b>	
Name of bidder	
Registration Number	
VAT Registration Number (If applicable)	
Contact Person	
Telephone Number	
Fax Number	
E-mail address	
Postal Address	
Physical Address	

<b>If Joint Venture/Consortium, indicate the following:</b>	
Name of prime contractor	
Registration Number	
VAT Registration Number (If applicable)	
Contact Person	
Telephone Number	
Fax Number	
E-mail address	
Postal Address	
Physical Address	

<b>If Joint Venture/Consortium, indicate the following: (To be completed for each JV/Consortium Member)</b>	
Name of Joint Venture/Consortium	
Registration Number	
VAT Registration Number (If applicable)	
Contact Person	
Telephone Number	
Fax Number	
E-mail address	
Postal Address	
Physical Address	
<b>If using subcontractors, indicate the following:</b>	
Name of prime contractor	
Registration Number	
VAT Registration Number (If applicable)	
Contact Person	

Telephone Number	
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## ABBREVIATIONS

- BBBEE Broad Based Black Economic Empowerment
- OBP Onderstepoort Biological Products
- RFB Request for Bid
- ID Identification Document
- AO/AA Accounting Officer/ Accounting Authority
- DALRRD Department of Agriculture, Land Reform and Rural Development
- SARB Service Approval review Board
- VAT Value Added Tax
- SABS South African Bureau of Standards
- NPA National Prosecuting Authority
- SBD Standard Bidding Document
- SHE Safety Health and Environment
- EMO Environmental Management Office
- OSH Occupational Safety and Health
- NEM National Environment Management
- EMU Engineering Maintenance unit
- CU Clinical Unit
- UP University of Pretoria Onderstepoort Faculty
- COID Compensation for Occupational Injuries and Diseases
- CSD Central Supplier Data Base (National Treasury)
- ERP Enterprise Resource Planning
- CIDB Construction Industry Development Board
- SANAS South African National Accreditation System
- QMS Quality Management System
- COA Certificate of Analysis

### Kindly Note that:

1. **Should all of these documents not be included, the bidder will be disqualified on the basis of non-compliance.**
2. **The same documents must be submitted for all other companies that are involved in the tender in case of a consortium.**

**Checklist of compulsory documents to be submitted - Please tick in the relevant block below**

YES	NO	Compulsory Documents
		One original tender document and <b>3</b> copies
		Proof that the service provider is registered with CSD and must be tax compliant. (South African Companies) Foreign /International companies must complete SBD1
		List (see template under section 3) and letters of references for past and present clients (Company Name, contact person, Telephone Number, e-mail address and website address) must be on client company letter head
		Company profile
		COID letter of good standing
		Supply Agreement with coal mines on supply of coal
		Supplier must submit COA for the coal tested at an SANAS accredited lab. If no COA from an accredited lab is submitted, supplier will be disqualified
		Evidence of a QMS in place for the service provider (all information related to the QMS will be included, example have a system in place for customer complaints, non-confirming products or any other related services that deal with this commodity)
		Return policy on Process of returning bad coal once offloaded in bunker

**Signed:**

**Name in Print:**

\_\_\_\_\_

\_\_\_\_\_

**Capacity:**

**Date:**

\_\_\_\_\_

\_\_\_\_\_

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## 1. CONDITIONS AND UNDERTAKINGS BY TENDERER

- 1.1 **The Tender forms should not be retyped or redrafted, but photocopies may be prepared and used.** However, only documents with the original signature in black ink shall be accepted.
- 1.1.1 Black ink should be used when completing Bid documents.
- 1.1.2 Bidders should check the numbers of the pages to satisfy themselves that none is missing or duplicated. OBP will accept NO liability in regard to anything arising from the fact that pages are missing or duplicated.
- 1.2 I/We hereby tender to supply all or any of the supplies and/or to procure all or any of the services described in the attached documents to OBP on the terms and conditions and in accordance with the specifications stipulated in the Tender documents (and which shall be taken as part of, and incorporated into, this Tender) at the prices inserted therein.
- 1.3 I/We agree that -
- 1.3.1 The offer herein shall remain binding upon me/us and open for acceptance by OBP during the validity period indicated and calculated from the closing hour and date of the Tender.
- 1.3.2 the laws of the Republic of South Africa shall govern the contract created by the acceptance of my/our Tender and that I/we choose domicilium citandi et executandi in the Republic as indicated below; and
- 1.4 I/We furthermore confirm that I/we have satisfied myself/ourselves as to the correctness and validity of my/our Tender that the price(s) and rate(s) quoted cover all the work/item(s) specified in the Tender documents and that the price(s) and rate(s) cover all my/our obligations under a resulting contract and that I/we accept that any mistakes regarding price(s) and calculations will be at my/our risk.
- 1.5 I/We hereby accept full responsibility for the proper execution and fulfillment of all obligations and conditions devolving on me/us under this Tender as the Principal(s) liable for the due fulfillment of this contract.

Signature(s) of Tenderer or assignee(s) Date

Name of signing person (in block letters)

Capacity

Are you duly authorized to sign this Tenderer?

Name of Tenderer [company name] (in block letters)

Postal address (in block letters)

Domicilium citandi et executandi in the RSA (full street address of this place) (in block letters)

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.....  
.....

Telephone Number: ..... FAX Number.....

Cell Number.....

## 2. TENDER CONDITIONS

- 2.1 Tenderers shall provide full and accurate answers to all questions posed in this document and are required to explicitly state either "Comply" or "Not Comply" or "Partial" (with a √)" regarding compliance with the requirements. Where necessary, the tenderer shall substantiate their response to a specific question.
- 2.2 A "√" under "Accept" will be interpreted as full compliance/acceptance to the applicable paragraph. A "√" under "Accept" will be interpreted that the tenderer/s has/have read and understood the paragraph, but the tenderer does **not accept** the content of the applicable paragraph.
- 2.3 The following Tender conditions will govern the contract between the OBP and the successful tenderer:

Requirement	ACCEPT	NOT ACCEPT
2.3.1 Tenderers are invited to offer the Services/Products in accordance with the attached Specifications and the conditions within this document.		
2.3.2 Fully comprehensive service documentation shall be supplied in English by each Tenderer, which shall explicitly and detail, describe the service/s offered. This documentation shall include sufficient detail to clearly give the reader a precise and unambiguous description of the service/s offered. Incomplete or incomprehensive service documentation will result in rejection of the offer.		
2.3.3 Tenderer's name and address should clearly appear on the outside of tender documents and on envelope.		
2.3.4 OBP reserves the right to evaluate and consider any Tenders that do not comply strictly to this RFP.		
2.3.5 Acceptance of any Tenders will only indicate, without any obligations on the part of either OBP and/or a Tenderer, the willingness of such parties to enter into negotiations,		



which may or may not result in a contract/order as the case may be.		
2.3.6 OBP reserves the right to make a selection solely on the information received in the Tenders or to negotiate further with one or more Tenderer/s.		
2.3.7 The Tenderer/s selected for further negotiations, if any, will be chosen on the basis of the greatest benefit to OBP and not necessarily on the basis of lowest price or any other criteria.		
2.3.8 Should OBP consider it necessary, the Tenderer/s shall agree to an inspection of the resources and works of the Tenderer, if so required?		
2.3.9 Should OBP consider it necessary, OBP will visit the Tenderer/s customer sites.		
2.3.10 OBP reserves the right: - to cancel this Request at any time. - not to accept any Tender. - to accept one or more Tenders for further negotiation and. - to contact any Tenderer during the evaluation period, to clarify information only, without informing any other Tenderer.		
2.3.11 The specifications are the intellectual property of OBP.		
2.3.12 The Procuring of the Services shall not take place until OBP has given final approval of all procedures.		
2.3.13 In the event that modifications, clarifications, or additions to the RFP become necessary, all Tenderers will be notified, in writing, addenda to this RFP.		

<p>2.3.14</p> <p>All costs incurred in the preparation, presentation and demonstration of the response shall be for the account of the Tenderer. All supporting documentation and manuals submitted with RFP will become OBP property unless otherwise stated by the Tenderer/s at the time of submission.</p>		
<p>2.3.15</p> <p>Any material submitted by the Tenderer/s, which is considered to be confidential in nature, must be clearly marked as such.</p>		
<p>2.3.16</p> <p>OBP will evaluate the bids against the following criteria:</p> <ul style="list-style-type: none"> <li>• Compliance to the Specifications</li> <li>• Compliance to Functionality</li> <li>• Price</li> <li>• BBBEE</li> <li>• Compliance to Bid Condition</li> </ul>		
<p>2.3.17</p> <p>Payments of services rendered will be done 30 days after receipt of statement(s)</p>		

#### .4 REASONS FOR DISQUALIFICATION

- 2.4.1 OBP reserves the right to disqualify any Tenderer which does any one or more of the following, and such disqualification may take place without prior notice to the offending tenderer, however the tenderer shall be notified in writing of such disqualification:
- Tenderers who are blacklisted.
  - Tenderers who are not registered on Central Supplier Database. / Not applicable to international companies
  - Tenderers who submitted incomplete information and documentation according to the requirements of this RFP.
  - Tenderers who submitted information that is fraudulent, factually untrue, or inaccurate, for example memberships that do not exist, BBBEE credentials, experience, etc.

- Tenderers who received information not available to other vendors through fraudulent means.
- Tenderers who in the past abused OBP's procurement system:
- Tenderers who failed to perform on their previous contracts with OBP or any of their references
- Tenderers that do not have the relevant Qualification will be disqualified.

2.4.2 No Tenders from any Tenderer with offices within the RSA shall be accepted if sent via the Fax or e-mail. However, Tenders from international bidders with no office or representation in the RSA shall be accepted if received via the Fax or e-mail before the closing date and time. Such Tenders shall not be made available for evaluation until the original signed documentation is received within three (3) working days after the closing date, otherwise the Bid shall be disqualified. International bidders must submit proof that they do not have any offices or representation in South Africa.

## 2.5 ENQUIRIES

Enquiries regarding this Request for Bid should be submitted via e-mail to:

**indhir@obpvaccines.co.za**. Such queries must be sent at least **Four (4)** working days before the closing date. OBP cannot guarantee that queries received after that date can be answered before the Tender closing date.

### 3. SPECIFICATIONS:

Grade A peas, washed and screened and delivered at Onderstepoort Biological Products

**Approximately 240 ton of Coal is used per month**

#### SCOPE OF SUPPLY AND DETAILED TECHNICAL SPECIFICATION

##### DESCRIPTION

Delivery of washed and screened Grade A peas coal is required at OBP boiler house to be used as the fuel for the boilers. Approximately 60 tons of coal is required per week. Successful supplier will be given a schedule with dates and times of expected delivery. Each week, a review will be conducted to check if the supplier meets the delivery expected dates. As part of the process to be considered for the supply of coal, interested supplier is requested to send OBP 1 kg sample of proposed coal, which will independently tested by OBP to verify if required specification in Table 1 are met or not.

Coal samples to be hand delivered to OBP should have a written supplier name, contact details and business address.

OBP will not be held responsible for payment of coal sample delivery; supplier is responsible for all cost involved.

OBP will keep all the test results confidential and will be available to share with supplier of that sample should the supplier requests.

Take note on delivery of samples a delivery note, OBP Supply Chain Management (SCM) representative and EMU representative will acknowledge the delivery of coal by signing the delivery note and keep copies. Interested suppliers are requested to ask for SCM and EMU representatives at OBP reception when they delivering coal samples. Samples can be delivered anytime from the day of advertisement between 07:30am – 4:00pm

Please note, samples cannot be delivered after the closing date of this tender

Once the potential supplier or suppliers are identified, a meeting will be called to discuss the delivery requirements and agree on the delivery schedule. The delivery requirements will include the following:

- Three documents, which are delivery note, weighbridge certificate and coal certificate (COA). Unable to provide these three documents on delivery will result to the termination of the delivery contract.
- OBP reserves the right to select any number of qualified suppliers, depending on the satisfaction of all the requirements mentioned above.
- The truck must be a back tip as the layout does not allow for a side tip truck.
- Deliveries must be made Between 7:30am-4:00pm (during business hours)

Table 1: Coal Specification as Required by OBP

<b>Coal specification</b>		
Coal Grade	A	Unit of measure
<b>Ultimate Analysis</b>		
Moisture	Not more than 2.5	%
Ash	Not more than 10.1	%
Carbon	Not more than 69,79	%
Hydrogen	Not more than 4,10	%
Nitrogen	Not more than 1,64	%
Sulphur	Not more than 0,62	%
oxygen	Not more than 8,52	%
<b>Proximate Analysis</b>		
Moisture	Not more than 2.5	%
Ash	Not more than 10.1	%
Volatile matter	Not more than 24	%
Fixed carbon	Not more than 60.04	%
Calorific value (MJ/Kg)	> 27.5 but < 28.5	MJ/Kg
<b>Ash fusion temperature</b>		
Deformation	+ 1 400	°C
Hemispherical	+ 1 400	°C
Flow	+ 1 400	°C
Swelling Index	1	°C
<b>Colliery screen test</b>		
Size	Peas and washed	
Size range	25 to 6.3	mm
	+25mm size coal and only 12.5% of fines should pass through the 4mm screen.	mm
<b>Trace Metals</b>		
Chlorine	Less than 0,15	%
Phosphorous	Less than 0,03	%
Sulphur	Less than 1,3	%
Iron	Less than 4,0	%

**Note:**

- The Certificate of Analysis for the coal shall be issued with each delivery, and the test included shall be from SANAS Accredited lab.
- A Valid Printed weighbridge ticket shall be supplied with each delivery. The weighbridge used shall have a valid SANAS accredited calibration certificate.
- Origin or source of coal being supplied (valid contract confirmation with registered coal mine) is to be provided.
- Deliveries shall be made Between 7:30am - 4:00pm (during business hours) special arrangement must be made for any delivery after 4:00pm
- Truck shall Have Easy Access for taking samples of the coal consignment.

- Type of Truck offloading coal
- Coal shall be delivered directly from suppliers processing plant to OBP

**3.5 Evaluation criteria**

The request for this service will be evaluated based on the following stages.

**3.5.1 Compulsory documents**

Template for list of references to be completed compulsory requirements

<b>Company Name</b>	<b>Contract person</b>	<b>Tel/cell number</b>	<b>Email address</b>	<b>Company Website address</b>

**Stage 1: Check for compulsory documents**

All documents indicated on page 4 must be submitted, missing documents will result in automatic disqualification.

**3.5.2 Functionality**

**Stage 2: Evaluation for functionality**

<b>Aspect</b>	<b>Functionality Criteria</b>	<b>Weight</b>	<b>Means of Verification</b>
Previous experience	Confirmation that company has the ability/capability to supply Coal <ul style="list-style-type: none"> <li>• No experience = 0 points</li> <li>• 1- 3 years of experience = 10 points</li> <li>• More than 3 years' experience = 20 points</li> </ul>	20	Company Profile.

	<p>List of contactable references supply in the last 12 months successfully undertaken.</p> <ul style="list-style-type: none"> <li>• No list and letters of reference= 0 points</li> <li>• 3 to 5 contactable reference = 10 points</li> <li>• 6 to 10 contactable reference = 20 points</li> </ul>	20	References
Methodology and approach	<p>The service provider must submit normal delivery plan and emergency plan, how they will supply Coal to OBP</p> <ul style="list-style-type: none"> <li>• No delivery plan =automatic disqualification</li> <li>• Normal delivery plan =5 points</li> <li>• Emergency delivery plan within 24 Hours =15 points</li> </ul>	20	Emergency plan within 24 hours in times of public strikes and demand by OBP etc.
Safety, health and Environment	<p>Submit a SHE plans on how to comply with Health and Safety regulations regarding the OHS act within coal industry.</p> <ul style="list-style-type: none"> <li>• No, SHE File = zero point</li> <li>• SHE File = 10 points</li> </ul>	10	SHE File refer to page 12



Quality Management System	<p>Evidence of a QMS in place for the service provider (all information related to the QMS will be included, example have a system in place for customer complaints, non-confirming products or any other related services that deal with this commodity)</p> <p>No QMS = automatic disqualification</p> <p>Return/ non-conformance policy = 5 points</p> <p>COA for the coal tested at an SANAS accredited lab. =10 points</p> <p>QMS in place = 15 points</p>	30	
Total		<b>100</b>	

Interested service provider must obtain a minimum score of 70 of functionality to be eligible for evaluation in stage two. The following will be used as a criteria and the minimum points of each criteria which are indicated in the table below:

Bidders that meet the evaluation criteria above will be advise on Audited criteria and audit date

### **Audit entire process from start to finish (from Mine to OBP)**

**Bidders that successfully complete and pass the Audit will be placed on the panel of suppliers**

#### **3.5.2 Stage 3: Price and BBBEE**

The evaluation for Price and BBBEE shall be based on the **80/20** PPPFA principle and the points for evaluation criteria are as follows:

<b>Evaluation Criteria</b>		<b>Points</b>
1.	Price	80

2.	Broad Base Black Economic Empowerment	20
3.	Total	100

BBBEE Status Level of Contributor	Number of Points
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

#### 4. Validity of Bids

The prospective

tenderer is required to confirm that it will hold its Bid valid for 120 Days from the closing date of the submission of Bids. All the Bids shall be quoted in South African Rand and remain valid for 120 days after closure of the tender.

#### 5.0 PRICING SCHEDULE –

**All pricings must be fixed amounts and should be in Rand.**

➤ Provide a complete Price Schedule with detailed breakdown.

1.	Description	Price (Excl. Vat)
1		
2		
3		
	<b>TOTAL COST</b>	
	<b>VAT at 15%</b>	
	<b>TOTAL COST INCLUDING VAT</b>	

Signed

Name in Print:

Capacity:

Date:

**6. DECLARATION OF INTEREST BY TENDERER 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

<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 aspect.
- 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,

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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.

bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

3.5 There have been no consultations, communications, agreements, or arrangements made by the bidder with any official of the procuring 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

## 7. PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011 SBD6.1

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 (BBBEE) Status Level of Contribution

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

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

1.2

- a) The value of this bid is estimated to exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

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

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

	POINTS
<b>PRICE</b>	80
<b>BBBEE STATUS LEVEL OF CONTRIBUTOR</b>	20
<b>Total points for Price and BBBEE must not exceed</b>	<b>100</b>

1.5 Failure on the part of a bidder to submit proof of B-BBBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBBEE 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) “**BBBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act.

- (b) **“BBBEE status level of contributor”** means the B-BBBEE 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 Bids.
- (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 BBBEE status level of contributor”** means:
  - 1) BBBEE Status level certificate issued by an authorized body or person.
  - 2) A sworn affidavit as prescribed by the B-BBBEE Codes of Good Practice.
  - 3) Any other requirement prescribed in terms of the B-BBBEE 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 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<sub>s</sub> = Points scored for price of bid under consideration
- P<sub>t</sub> = Price of bid under consideration
- P<sub>min</sub> = Price of lowest acceptable bid

### 4. POINTS AWARDED FOR B-BBBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBBEE status level of contribution in accordance with the table below:

B-BBBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

**5. BID DECLARATION**

5.1 Bidders who claim points in respect of B-BBBEE Status Level of Contribution must complete the following:

**6. BBBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

6.1 BBBEE Status Level of Contributor: . = ..... (maximum of 10 or 20 points)  
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBBEE status level of contributor.)

**7. SUB-CONTRACTING**

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

(Tick applicable box)

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

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....?.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

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

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

Designated Group: An EME or QSE which is at last 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		



Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
<b>OR</b>		
Any EME		
Any QSE		

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

**8.4 TYPE OF COMPANY/ FIRM**

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....  
 .....  
 .....  
 .....

**8.6 COMPANY CLASSIFICATION**

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g., transporter, etc.

[TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has BBBEE in business.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificates, 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 because 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-BBBEE status level of contributor has BBBEE claimed or obtained on a fraudulent basis

or any of the conditions of contract have not BBBEE 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 BBBEE applied; and
- (e) forward the matter for criminal prosecution.

WITNESSES

1. ....

2. ....

.....

SIGNATURE(S) OF BIDDERS(S)

DATE: .....

ADDRESS .....

**8.0 DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS SBD 6.2**

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

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

**1. General Conditions**

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8. (2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.

- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two-stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

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

Where

- x is the imported content in Rand
- y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) on the date of advertisement of the bid as indicated in paragraph 3.1 below.

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

- 1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation.
- 2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

- 3. Does any portion of the goods or services offer have any imported content?  
**(Tick applicable box)**

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

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

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

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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

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

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

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

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

NB

- The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thedti.gov.za/industrial\\_development/ip.jsp](http://www.thedti.gov.za/industrial_development/ip.jsp). Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

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

- The facts contained herein are within my own personal knowledge.
- I have satisfied myself that:
  - the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and

- (c) The local content percentage (%) indicated below has BBEE calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E which has BBEE consolidated in Declaration C:

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

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

**The local content percentages for each product have BBEE calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E.**

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

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

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

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

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

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

## 9. DECLARATION OF INTEREST FOR PAST SUPPLY CHAIN MANAGEMENT PRACTICES SBD 8

- 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?  <b>(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).</b></p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</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)?  <b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></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:		

SBD 8

### CERTIFICATION

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

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

..... <b>Signature</b>	..... <b>Date</b>
..... <b>Position</b>	..... <b>Name of Bidder</b>

**10: CERTIFICATE OF INDEPENDENT BID DETERMINATION SBD 9**

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

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

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

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Institution)

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

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

(Name of Bidder)

1. I have read and I understand the contents of this Certificate.
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect.
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder.
4. Each person whose signature appears on the accompanying bid has BBBEE 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 BBBEE requested to submit a bid in response to this bid invitation.
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities, or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement, or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has BBBEE 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 BBEE 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 BBEE, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder