



**Head Office:**

Eco Glades 2, 420 Witch Hazel Avenue, Eco Park, Centurion, 0169  
Private Bag X31, Highveld Park, 0169  
Tel: +27 12 003 1400 | Fax: +27 12 661 0074  
Email: clientsupport@fpb.org.za | Website: www.fpb.org.za



**REQUEST FOR QUOTATIONS**

**RFQ No: RFQ05FEB23**

**RFQ Date: 22-02-2023**

**From: Supply Chain Management**

Contact Person : Khomotso Letlape

Tel : 012 003 1400

Email : Khomotso.letlape@fpb.or.gza

**REFERENCE NO: 05FEB23**

You are hereby invited to submit a quotation as per the specification or terms of reference indicated below/attached. Please provide a written quotation to the above-named contact person in the Supply Chain Unit at FPB on or before the closing date and time as indicated below. Please read the notes below before completing your quotation.

Failure to specifically quote as per the specification or terms of reference, and complying with the listed instructions will result in your quotation being disqualified.

**1. Detailed Specification/Terms of reference**

Refers to Terms of Reference

**Closing date for submission of quotations/documents:**

**07-March-2023 / 12:00**

**2. Quotation instructions:**

- 2.1. Quotations should be valid for at least: **60 days.**
- 2.2. Suppliers must supply written quotations that reflect the following information:
  - Price per item (All-inclusive prices are required)
  - Delivery lead time
  - Company Name
  - Company Registration Number
  - VAT Registration Number (If applicable)
  - Address
  - Contact Person
  - Telephone/Contact number
  - Email Address
- 2.3. Suppliers must sign the Quotation Declaration in paragraph 3 below and submit along with their quotation and other relevant documents.
- 2.4. Suppliers must sign and return the relevant Standard Bidding Documents (SBD) with their quotation.
- 2.5. Valid BBBEE certificates or certified copies thereof, sworn affidavits be submitted with the quotation (Non-submission will not lead to disqualification however points will not be allocated for BBBEE)



- 2.6. Suppliers should note that the 80/20 preference points system will be applicable to transactions from R2 000 (Refer to SBD 6.1)
- 2.7. All prices must be fixed and firm.
- 2.8. All prices must be VAT inclusive. If no indication is given, prices will be evaluated as inclusive of VAT.
- 2.9. FPB does not pay deposits/upfront payments. Payment will be made after delivery of goods and/services within 30 days of receipt of a valid tax invoice.
- 2.10. The 80/20 preferential points system will apply to procurement from R2 001 to R50 000 000. Points will be awarded in line with the criteria detailed in 2.10.1 below:

**2.10.1. Preferential points scoring**

**a) POINTS AWARDED FOR PRICE**

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

**80/20**

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

Where

Ps = Points scored for price of tender under consideration



Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

#### **b) POINTS AWARDED FOR SPECIFIC GOALS**

- 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:
  
- 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 Specific goals for the Requests for Quotation (RFQ) and points claimed are indicated per the table below.**

**Note to service provider: The service provider must indicate how they claim points for each preference point system.)**

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the service provider)
Owned by women	8	
Owned by youth	6	
Owned by people with disabilities	2	
BBBEE levels 3 or lower	4	

2.11. Delivery will be as per the delivery address above, unless specifically specified otherwise.

2.12. All purchases will be made through an official order form. Therefore, no goods or services must be committed/rendered or delivered before an official purchase order has been received.

2.13. Depending on the type of goods and services to be delivered the successful bidder may be requested to sign a contract/service level agreement before delivery of goods/services may commence.

**Kind regards**

**Supply Chain Unit**



Attachments: SBD 1, 4, 6.1.

## **QUOTATION DECLARATION**

### **RFQ No:**

I/we the undersigned, who warrants that he/she is duly authorised to do so on behalf of the company declares that:

1. The information furnished on this quotation is true and correct.
2. If the information provided on this quotation is found to be incorrect, FPB, in addition to any other remedy it may have:
  - 2.1. Recover all costs, losses or damages it has incurred or suffered as a result of that person's conduct; and
  - 2.2. Cancel the purchase order and claim any damages which it has suffered as a result of having to make less favourable arrangement due to such cancellation;
3. I have read, fully understand and hereby accept FPB's standard quotation instructions detailed in paragraph 2.

Name (Person responsible for the quote)

Signature (Person responsible for the quote)

Date





Film and Publication Board™



**Head Office:**  
Eco Glades 2, 420 Witch Hazel Avenue, Eco Park, Centurion, 0169  
Private Bag X31, Highveld Park, 0169  
Tel: +27 12 003 1400 | Fax: +27 12 661 0074  
Email: [clientsupport@fpb.org.za](mailto:clientsupport@fpb.org.za) | Website: [www.fpb.org.za](http://www.fpb.org.za)



## **Title: Terms of Reference (TOR) – Licensing and Registering Processes**

# **TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT TECHNICAL REVIEW OF THE DRAFT PROCESSES AND PROCEDURES FOR APPLYING FOR REGISTERING AMENDING TRANSFERRING AND RENEWING LICENSING OF THE FILM AND PUBLICATION BOARD**

## **1. FPB BACKGROUND**

The Film and Publication Board ( FPB ) is a state-owned media content regulation authority under the Department of Communications and Digital Technologies (“DCDT”). Its mandate is “to regulate the creation, production, possession and distribution of films, games and certain publications”. This mandate is guided by an act of parliament, Films and Publications Act 65 of 1996, as amended (“the Act”). The mandate of the FPB among other things is to protect children from premature exposure to consumption of disturbing and harmful materials and members of the public from harmful and prohibited content. Furthermore the FPB regulates and register content distributors, monitor compliance with the provision of the Act, investigate complaints and matters of non-compliance and adjudicate non compliance through the enforcement committee.

The extended mandate of the FPB enabled the organisation to develop regulatory instruments to guide the conduct of the market and regulatory decisions. The FPB published a set of regulatory instruments which are currently an object of public comments. To ensure that we develop sound instruments, it is imperative that the views of all stakeholders are taken into consideration, including advise from technical

experts to ensure a balanced view. It is on this basis that we seek services of a regulatory expert to scrutinise and make technical inputs on the published regulatory instruments.

## **2. SCOPE OF PROJECT**

The scope of the project is to conduct the following:

- 2.1 Analyse and review the draft processes and procedures for applying for registering, amending, transferring and renewing licencing of the Film and Publication Board.
- 2.2 Determine whether the stipulated regulations meet the standards of fairness as provided for by law and provide clearly spelled out steps to be followed for stakeholders wishing to comply with the FPB regulations.
- 2.3 Provide an expert input and/or opinion on the draft.

## **3. EXPECTED STRATEGIC DELIVERABLES**

The successful service provider is expected to produce a technical input report taking into consideration the scope outlined in paragraph 3 above.

## **4. DURATION OF THE PROJECT**

The duration of this project its one week after date of signing of a contract by the successful service provider, subject to general conditions of the project, as spelled out in the Service Level Agreement.

## **5. TECHNICAL PROPOSAL CONTENT**

### **5.1. TECHNICAL PROPOSAL**

The technical proposal needs to be submitted in the format as detailed below:

## 6. FUNCTIONAL EVALUATION CRITERIA

Functional criteria	Weight	Applicable scores					
		1 Poor	2 Fair	3 Average	4 Good	5 Excellent	Total Score
<p><b>1.Company Experience (by inspection of reference letters) and/ or Project Leader experience (to be determined through the inspection of CVs) (whichever is longest)</b></p> <p>Experience in drafting or analysing or reviewing regulatory framework/models</p>	40%	Less than 1 year experience in drafting or analysing or reviewing regulatory frameworks/models	More than 1 – 2 years experience in drafting or analysing or reviewing regulatory frameworks/models	More than 2-4 years experience in drafting or analysing or reviewing regulatory frameworks/models	More than 4 - 8 years experience in drafting or analysing or reviewing regulatory frameworks/models	More than 8-10/more years experience in drafting or analysing or reviewing regulatory frameworks/models	
<p><b>Technical Experience:</b></p> <p>The bidder should provide evidence of similar work and demonstrate how the previous work</p>	40%	No more than 1 report as proof of previous work	Proof of 2 reports as proof of previous work	Proof of 3 reports as proof of previous work	Proof of 4 reports as proof of previous work	5 or more reports as proof of previous work	

relate to the scope of the TOR(list of previous work and how it is related to this project scope)							
Referral letters verifiable with visible letter head from previous clients related to similar work completed.	20%	N/A.	1 referral letter submitted.	2 referral letters submitted	3 referral letters submitted	4 referral letters submitted.	
<b>Minimum qualifying score</b>	65%						

Applicants will be considered on the basis of following:

- 6.1 Applications must be accompanied by written testimonial from previous clients who must be contactable.
- 6.2 A sample of written report(s) to assess report-writing skills.



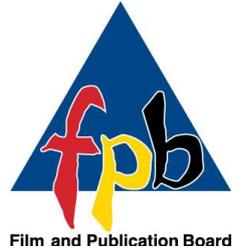
Head Office:

Eco Glade 2, 420 Witch Hazel Street, Eco Park, Centurion, 0169  
 Private Bag X31, Highveld Park, 0169  
 Tel: +27 12 003 1400 Fax: +27 12 661 0074  
 Email: clientsupport@fpb.org.za Website: www.fpb.org.za



## PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:	RFQ05FEB23	CLOSING DATE:	07-March-2023	CLOSING TIME:	12:00
DESCRIPTION	Processes and Procedures for Applying				
<b>Via email Khomotso.letlape@fpb.org.za</b>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	Khomotso Letlape		CONTACT PERSON	Khomotso Letlape	
TELEPHONE NUMBER	012 003 1400		TELEPHONE NUMBER	012 003 1400	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	Khomotso.letlape@fpb.org.za		E-MAIL ADDRESS	Khomotso.letlape@fpb.org.za	
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		<b>OR</b>	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX]  <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX]  <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 [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR <b>THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW ]
---	--	---	---

**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> 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

<b>1. BID SUBMISSION:</b>
<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. <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></p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p> <p>1.4. <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b></p>
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
<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:

.....



**Head Office:**

Eco Glade 2, 420 Witch Hazel Street, Eco Park, Centurion, 0169  
Private Bag X31, Highveld Park, 0169  
Tel: +27 12 003 1400 Fax: +27 12 661 0074  
Email: clientsupport@fpb.org.za Website: www.fpb.org.za



## 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 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

---

<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.



- 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

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL  
PROCUREMENT REGULATIONS 2017**

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 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) B-BBEE Status Level of Contributor.

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

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	<b>100</b>

- 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 OR 90/10 PREFERENCE POINT SYSTEMS

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

**80/20** or **90/10**

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

Where

$P_s$  = Points scored for price of 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 Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE 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-BBEE Status Level of Contribution must complete the following:

#### 6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE 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-BBEE 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-BBEE 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 least 51% owned by:	EME v	QSE v
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 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 1.4 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.

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p> <p>.....</p>
--