

## REQUEST FOR PROPOSAL (RFP)

### DESCRIPTION OF SERVICES: - APPOINTMENT OF A SERVICE PROVIDER TO PERFORM COMPUTED TOMOGRAPHY (CT) SCANNING OF GALLIUM TARGET CAPSULES FOR ITHEMBA LABS CAPE TOWN FOR A PERIOD OF 36 MONTHS

<b>RFP Number:</b>	iLABS/RFP2022/23:01
<b>RFP Description:</b>	APPOINTMENT OF A SERVICE PROVIDER TO PERFORM COMPUTED TOMOGRAPHY (CT) SCANNING OF GALLIUM TARGET CAPSULES For iThemba LABS CAPE TOWN FOR A PERIOD OF 36 MONTHS.
<b>Date of Issued:</b>	14 April 2022
<b>Compulsory Site Clarification Meeting Date:</b>	N/A
<b>Site Location:</b>	iThemba LABS Cape Town Old Faure Road Faure Western Cape, 7131
<b>Closing Date:</b>	18 May 2022 at 11:00 Am
<b>Delivery Address for RFP:</b>	<a href="mailto:scm3@tlabs.ac.za">scm3@tlabs.ac.za</a> , <a href="mailto:charisse@tlabs.ac.za">charisse@tlabs.ac.za</a> , <a href="mailto:dmartinus@tlabs.ac.za">dmartinus@tlabs.ac.za</a>
<b>For More Information (Technical):</b>	Ms Charisse Perrang / Mr Deiderique Marthinus  <a href="mailto:charisse@tlabs.ac.za">charisse@tlabs.ac.za</a> / <a href="mailto:dmartinus@tlabs.ac.za">dmartinus@tlabs.ac.za</a>  (021) 483 - 1000
<b>For More Information (Supply Chain Management):</b>	Mr Odwa Mxenge (021) 843-1345 <a href="mailto:scm3@tlabs.ac.za">scm3@tlabs.ac.za</a>

<b>iThemba LABS Business Hours:</b>	08:00 am till 16:30 pm
<b>Date Goods/Service Required:</b>	May 2022 till April 2025
<b>Validity from Closure Date:</b>	120 Days
<b>Awarding of Proposal date:</b>	May 2022
<b>Delivery of service:</b>	Starting from the 1st of May 2022 and continue for a period of 12 Months as and when required.
<b>Preferential Procurement System Applicable:</b>	<p><b>80:20</b></p> <p>This RFP is subject to the NRF SCM Policy; the General Conditions of Contract (GCC); Special Conditions of Contract (SCC), and any other applicable legislation.</p>

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## **1. INTRODUCTION TO THE NRF**

The National Research Foundation (“NRF”) is a juristic person established in terms of the National Research Foundation Act, Act 23 of 1998, and a Schedule 3A Public Entity in terms of the Public Finance Management Act. The NRF is the government’s national agency responsible for promoting and supporting research and human capital development through funding researchers, provision of the National Research Platforms, and science outreach platforms/programs to the broader community. The NRF provides these services in all fields of science and technology, including natural science, engineering, social science, and humanities. The NRF is a schedule 3A entity under the PFMA (Act 29 of 1999), which is required to plan and report on its activities and organizational performance, and which is to be audited by the AGSA on an annual basis. As part of the AGSA audit requirements, the NRF has to collect / document and store details, data and/or information of all persons and activities that form part of its performance record as proof thereof. In terms of this requirement, all persons making use of NRF facilities, platforms, equipment, tools etc., for research and related purposes are required to provide their personal details/data/information as per the template below or other similarly appropriate format. By completing your information in the template/register/record below and appending your signature thereto, you confirm your consent, in line with the Protection of Personal Information Act 4 of 2013, whereby the NRF and any of its business units may process (collect, receive, record, organize, collate, share, store, update, modify, retrieve, alter, consult, use, disseminate, distribute, merge, link, erase or destroy) the personal information you provide within and amongst its business units/functions for the purpose of fulfilling its statutory mandate, public accountability and other regulatory/legal requirements.

## **2. INTRODUCTION TO THE NRF BUSINESS UNIT RESPONSIBLE FOR THIS BID**

iThemba LABS (Laboratory for Accelerator-Based Sciences) is a multi-disciplinary research laboratory based at two sites in the Western Cape and Gauteng respectively, these provide facilities for:

- Basic and applied nuclear physics research using particle beams
- Research Radiation Biophysics
- The supply of accelerator-produced radioactive isotopes for nuclear medicine and research

## **3. INVITATION FOR PROPOSAL**

iThemba LABS seeks to appoint a reputable Service Provider as required by National Treasury Regulations (NTRs) and Public Financial Management Act (PFMA) through an open and competitive process so that it can realise the benefits of the strategic sourcing which includes, amongst others:

- Reducing the cost of effort and administration
- Minimising price inconsistencies
- Reducing inadequate contract management and service delivery

This Request for Proposal is intended to allow the successful bidder to specify and present their skills, expertise and price for the above-mentioned services to iThemba LABS. Final acceptance of any proposal is not guaranteed, this being the exclusive right of iThemba LABS.

The purpose of this RFP is to invite proposals for the **APPOINTMENT OF A SERVICE PROVIDER TO PERFORM COMPUTED TOMOGRAPHY (CT) SCANNING OF GALLIUM TARGET CAPSULES FOR iThemba LABS CAPE TOWN FOR A PERIOD OF 36 MONTHS** with the right to cancellation due to non – performance.

#### **4. OBJECTIVES OF iThemba LABS**

The long-term Key Strategic Objectives of iThemba LABS are well aligned with five of the six Strategic Outcomes of the National Research Foundation (NRF) as follows:

- iThemba LABS develops and provides to its users Leading-edge Research and Infrastructure Platforms aimed at responding to the needs of the SA research community in sub-atomic science and technology, radio-biology, radio-chemistry and environmental sciences, as well as other disciplines that can benefit from ion beam analysis techniques.
- iThemba LABS to contribute to an Internationally Competitive and Transformative Research System through in-house and collaborative research projects and through growing the production of globally competitive research outputs our training capacity is enhanced, leading to improvement in both quality and quantity of Human Capacity Development (HCD).
- iThemba LABS further contributes to the NSI by growing and enhancing our Radionuclide Production portfolio and service offering for the health and related benefits of the SA community whilst improving cost recovery opportunities.
- iThemba LABS constantly strives to deliver transparent HR/Business/Finance processes (including Health and Safety) in line with the NRF policies in support of the operations and to facilitate Strategic Decision Making.
- iThemba LABS offers an extensive range of training programmes, mainly focused on post-graduate training where our research facilities are being utilized.
- iThemba LABS engages in a variety of science outreach programmes aimed at establishing a Scientifically Literate and Engaged Society

#### **5. REGISTRATION ON THE CENTRAL SUPPLIER DATABASE (CSD)**

The bidder must be registered on the National Treasury's Central Supplier Database at the closing date in order to do business with an organ of state or for the NRF to award a bid or contract. Registration on the CSD ([www.csd.gov.za](http://www.csd.gov.za)) provides a bidder with an opportunity to do business with all state organisations including provincial and municipal levels. National Treasury Contact Details: 012 406 9222 or email [csd.support@treasury.gov.za](mailto:csd.support@treasury.gov.za)

## SECTION 1: Process Description & Administrative Requirements.

### 1. Mandatory and Administrative Requirements

a) All documentation to be included:

**PART 1:** Technical Proposal: RFP No.: iLABS/RFP2022/23:01

**PART 2:** B-BBEE and other Mandatory Documentation:

#### Pre-Qualification Eligibility Criteria

NRF /iThemba Labs TRANSFORMATION			
Minimum status B-BBEE level or not?	No		
Minimum status level	N/A		
A bidder failing to meet any of the stipulated pre-qualifying criteria is automatically disqualified. Not applicable to International service providers			
<b>Verification Certificate Submitted</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Sworn Affidavit Submitted</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No

- b) Detailed proposal and any additional information must accompany this signed Request for Proposal (RFP).
- c) Prices supplied must be fully inclusive of all costs; value added tax, delivery charges and other taxes. d) Prices must be in South African currency.
- e) Price summary supplied in this document is firm prices.
- f) Bidders not submitting mandatory returnable evaluation documents will not be considered for technical evaluation and will be disqualified automatically.

ADMINISTRATIVE DOCUMENTS (M = Mandatory and O=Optional) Please Tick Applicable		
B – BBEE Certificate	O	YES/NO
CSD (Central Supplier Database) Proof of Registration ( <a href="http://www.csd.gov.za">www.csd.gov.za</a> )	M	YES/NO
SBD 4	M	YES/NO
SBD 6.1	M	YES/NO
SBD 6.2 ( <i>Not Applicable</i> )	N/A	N/A
iThemba LABS Contractual Obligation	M	YES/NO
Resolution by the Bidder authorizing signatory. If the documents are completed and signed by the Director/Owner/Partner, the resolution is not needed, but if the documents are completed and signed by any other person, then the resolution is required - as per mandatory requirement.	M	YES/NO
EVALUATION DOCUMENTS Note: Compulsory to submit all returnable documents (Where Applicable)		
Company Profile & Cover letter	M	YES/NO
A Portfolio of projects covering a similar scope and works (Restricted to a minimum of 3 projects) in Computed Tomography (CT) Scanning.	M	YES/NO
Trade References for similar work (Computed Tomography (CT) Scanning) as stipulated in the RFP) in the past 5 years (Minimum of Three). Written references in the format on page 13 “Reference format”	M	YES/NO
A Curriculum Vitae of the individual(s) performing the Computed Tomography (CT) Scanning to be provided indicating qualifications and experience (number of years) related to Computed Tomography (CT) Scanning.	M	YES/NO
Supplier to provide Brochure of Computed Tomography Scanning Equipment (specification details)	M	YES/NO

## 2 Proposal Submission

Proposal must reach iThemba LABS before the closing hour on the date shown below, and must be enclosed in a sealed envelope which must have inscribed on the outside:

RFP No: iLABS/RFP2022/23:01

Description: Appointment of a Service Provider to Deliver Computed Tomography (CT) Scanning Services for iThemba Labs Cape Town for a Period of 36 Months

Closing Date and Time: 18 May 2022

Closing Address: : [Refer to section 2.1]

### 2.1 Delivery Instructions for Bids.

#### 2.1.1 Delivery by Hand:

If delivered by hand, the envelope is to be deposited in the iThemba LABS Tender Box which is located at the Main Security Gate, Old Faure Road, Faure, Western Cape, 7131

#### 2.1.2 Despatches by Courier:

If dispatched by courier, the envelope must be addressed as follows and delivered to the Tender Box and a signature obtained from the security.

iThemba LABS Cape Town  
Main Security Gate  
Tender Box  
Old Faure Road  
Faure  
Western Cape  
7131

2.2 Please note that this RFP closes punctually on **18 May 2022 at 11:00 Am.** No late bids will be accepted.

2.3 If responses are not delivered as stipulated herein, such responses will not be considered and will be treated as "UNRESPONSIVE." This included bids that are delivered late.

2.4 No email or facsimile responses will be considered, unless otherwise stated herein.

2.5 The responses to this RFP will be opened as soon as practicable after the expiry of the time advertised for receiving them.

2.6 iThemba LABS shall not, at the opening of responses, disclose to any other company any confidential details pertaining to the Proposals / information received i.e.



pricing, delivery, etc. The names and locations of the Respondents will be divulged to other respondents upon request.

2.7 Envelopes must not contain documents relating to any RFP other than that shown on the envelope. All envelopes must reflect the return address of the Respondent on the reverse side.

2.8 iThemba LABS business hours are between 08h00 and 16h30.

2.9 Each proposal shall be valid for a minimum period of ninety (90) days calculated from the closing date.

2.10 All proposals are to be sealed. No open proposals will be accepted.

2.11 All documentation to be included:

- **PART 1:** Technical Proposal: RFP No.: iLABS/RFP2022/23:01
- **PART 2:** Pricing Proposal, B-BBEE and other Mandatory Documentation:

2.12 Proposals submitted by companies must be signed by a person or persons duly authorised. If the documents are completed and signed by the Director/Owner/Partner, the resolution is not needed, but if the documents are completed and signed by any other person, then the resolution is required - as per mandatory requirement.

### **3. Awarding of Request for Proposal and Appointment of Bidder.**

3.1 The contract will be awarded to the bidder who scores the highest total number of points during the evaluation process, except where the law permits otherwise.

3.2 iThemba LABS will award the contract to qualified bidder(s)' whose proposal is determined to be the most advantageous to iThemba LABS, taking into consideration the Technical (Functional) Solution, Price and BBEE.

## **4 Evaluation Process.**

4.1 Evaluation of proposals:

All proposals will be evaluated by an evaluation team and SCM for administrative compliance, Functionality, Price and B-BBEE. Based on the results of the evaluation process and upon successful negotiations, iThemba LABS will approve the awarding of the contract to successful bidder.

4.2 Evaluation process will be followed:

- The first phase includes evaluation of administrative requirements and technical criteria.
- The second phase includes the evaluation of price and B-BBEE status.

Pricing Proposals will only be considered after the technical phase has been adjudicated and accepted.

Preference points system:

- The 80/20 preference point system will be used where 80 points will be dedicated to price and 20 points to B-BBEE status.

#### 4.3 Pricing Proposal:

- 4.3.1 Pricing proposal must be cross-referenced to the sections in the Technical Proposal.
- 4.3.2 Price needs to be provided in South African Rand (incl. VAT), with details on price elements that are subject to escalation and exchange rate fluctuations clearly indicated. Companies to indicate if not VAT registered where applicable
- 4.3.3 Only firm prices will be accepted during the bid validity period. Non-firm prices (including prices subject to rates of exchange variations) will not be considered.

### 5 Appointment of Bidder

- 5.1 Appointment as a successful bidder shall be subject to the parties agreeing to mutually acceptable contractual terms and conditions. In the event of the parties failing to reach such agreement iThemba LABS reserves the right to appoint an alternative supplier.
- 5.2 Awarding of contracts will be announced on iThemba LABS website and regret letters will be sent to unsuccessful bidders.

### 6 Communication.

- 6.1 Bidders are warned that a Proposal will be liable to disqualification should any attempt be made by a Respondent either directly or indirectly to canvass any officer or employee of iThemba LABS in respect of this RFP between the closing date and the date of the award of the business.
- 6.2 For specific queries relating to this RFP, Respondents must contact SCM Office in writing. In the interest of fairness and transparency iThemba LABS response to such a query will then be made available to the other Respondents who have attended the compulsory site clarification meeting.
- 6.3 After the closing date of the RFP, a Respondent may communicate with iThemba LABS Supply Chain Management Section, at [scm3@tlabs.ac.za](mailto:scm3@tlabs.ac.za) on any matter relating to its RFP proposal.
- 6.4 Respondents found to be in collusion with one another will be automatically disqualified and blacklisted from doing business with iThemba LABS in future.

### 7. Compulsory Site Meeting

- Not Applicable

## SECTION 2: BACKGROUND

### 2.1 Background

iThemba LABS has identified a need to improve its business operations to cater for the needs and expectations of its customers and employees. To achieve this, an efficient and effective technical infrastructure should be in place to enable core business to achieve objectives. Due to the complex nature of some of these services, it is not possible to offer all services in-house, hence the need to outsource other services to external service providers.

Service Required: -

**Appointment of a service provider to perform a Computed Tomography (CT) Scanning service of Gallium Target Capsules for iThemba LABS Cape Town for a period of -36 months.**

This work will be done off-site.

## SECTION 3: SPECIFICATIONS

### 2.1 Scope of the required services

The Radionuclide Production Department (RPD) manufactures high-grade radiopharmaceuticals used for diagnostic applications in nuclear medicine. It produces these radiopharmaceuticals under Good Manufacturing Practice principles that are the requirements for the South African Pharmacy Council and South African Health Products Authority and has distribution agreements with companies around the world. Therefore, products supplied by the Radionuclide Production Department should be of a high and consistent quality.

To produce the radioisotope  $^{68}\text{Ge}$ , Gallium targets are used to produce the radioisotope. The Gallium targets are regarded as the starting material for the production of radioisotopes. These targets are irradiated with a 66 MeV proton beam which is water cooled during the irradiation process. The Gallium targets are gallium metal encapsulated in niobium capsules. To seal the gallium metal in the niobium capsule, the niobium capsule is electron beam welded. In order to check the integrity of the electron beam welding, the gallium targets' needs to be Computed Tomography (CT) Scanned.

### 2.2 Deliverables

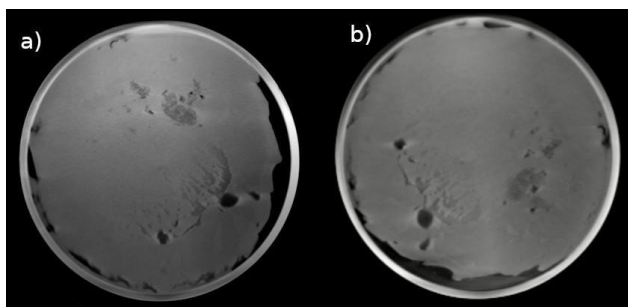
iThemba LABS seek to appoint a service provider who is capable of performing the Computed Tomography (CT) Scanning of the Gallium target capsules for a period of 12 months on an as and when required basis. The Gallium target is circular and is 43.5 mm in diameter with a thickness of 4.25 mm (see attached drawing:).

The Service provider must be able to perform the Computed Tomography (CT) Scanning of the Gallium targets as per the following criteria:

Gallium targets are irradiated tilted 90 degrees (the artefact is more severe but is also more localised, as two scans are required, making sure there is no overlap) with respect to the horizontal and rotated vertically around the centre.

- Beam filtered with 0.5mm copper plate

- Screen filtered with a copper plate
- Targets are scanned twice with a rotation around the normal axis through the centre of 90 degrees clockwise from a) to b) in Figure 1.



**Figure 1:** a) slice of target. a): scanned at a random angle, b): target rotated by 90 degrees around its normal centre axis.

- Videos of only front and rotation slice with 5 micrometre per front slice and 0.1 degree per rotational slice as indicated should be provided for each target.
- Video format: . with naming as follows:

Batch # Target # Front slice

Batch # Target # Front slice 90

Batch # Target # Rotation

Batch # Target # Rotation 90

- Total volume of all cavities within the Nb capsule is extracted. A picture highlights cavity with a distinct colour.
- The exact same protocol is repeated for each individual target and documented as a public protocol published at <https://www.protocols.io>.

The Computed Tomography (CT) Scanning of gallium target capsules will be for 70 targets per year. Targets are pre-selected upon photograph after manufacturing

**NB:** the successful bidder is required to sign a non-disclosure undertaking from page 25 below.

### 3.4 PRICING SCHEDULE

ITEM NUMBER	DESCRIPTION OF SUPPLIES OR SERVICE	UNIT / FREQUENCY	RATE PER <u>ANNUM</u>
<b>YEAR ONE</b>			
1	Gallium-68 targets CT Scanning	70 targets per annum	R
2	Shipping Cost: iThemba LABS will be responsible for the courier of the targets to and from the service provider	No cost to bidder	No cost to bidder
		Total VAT Inclusive	R

ITEM NUMBER	DESCRIPTION OF SUPPLIES OR SERVICE	UNIT / FREQUENCY	RATE PER <u>ANNUM</u>
<b>YEAR TWO</b>			
1	Gallium-68 targets CT Scanning	70 targets per annum	R
2	Shipping Cost: iThemba LABS will be responsible for the courier of the targets to and from the service provider	No cost to bidder	No cost to bidder
		Total VAT Inclusive	R

ITEM NUMBER	DESCRIPTION OF SUPPLIES OR SERVICE	UNIT / FREQUENCY	RATE PER <u>ANNUM</u>
<b>YEAR THREE</b>			
1	Gallium-68 targets CT Scanning	70 targets per annum	R
2	Shipping Cost: iThemba LABS will be responsible for the courier of the targets to and from the service provider	No cost to bidder	No cost to bidder
		Total VAT Inclusive	R

### 3.5 REFERENCE LETTER TEMPLATE

REFERENCE LETTER FORMAT			
<b>Referee Letterhead</b>			
<b><u>Referee Legal Name:</u></b>			
<b><u>REFERENCE ON COMPANY:</u></b>			
<b>RFP Number:</b>	iLABS/RFP2022/23:01		
<b>RFP Description:</b>	APPOINTMENT OF A SERVICE PROVIDER TO PERFORM COMPUTED TOMOGRAPHY (CT) SCANNING OF GALLIUM TARGET CAPSULES For iThemba LABS CAPE TOWN FOR A PERIOD OF 36 MONTHS.		
Describe the service/work the bidder provide to you below: above			
<b>PLEASE TICK BOX </b> <b>REPRESENTATIVE OF</b> <b>PERFORMANCE FOR EACH CRIT</b> <b>LISTED BELOW</b>	<b>Below requirements</b>	<b>Meets requirements</b>	<b>Exceeds requirements</b>
Customer satisfied with the services			
On time completion scanning			
Competent staff executing the work			
Overall Impression	Other comments		
Approximate value of contract			
Would you use the service again? provider			<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>Completed by:</b>			
<b>Signature:</b>			
<b>Company Name:</b>			

<b>Contact Telephone Number:</b>	
<b>Date:</b>	

#### SPECIAL CONDITIONS FOR MANAGING THE CONTRACTUAL OBLIGATIONS

The bidders are expected to provide a monthly statement of CT Scanning Services Rendered, indicating collection dates, order numbers, invoice details, payments received and outstanding balances.

#### SERVICE PERFORMANCE LEVELS (MANDATORY)

Service being Measured	Measurement	Penalty trigger level
PERFORM COMPUTED TOMOGRAPHY (CT) SCANNING OF GALLIUM TARGET CAPSULES	Completion of scanning as per specification with videos and reports. Completion of 70 targets per annum.	95% success rate. 20 targets batches within three weeks

#### SERVICE PERFORMANCE LEVELS (MANDATORY)

Service being Measured	Penalty where minimum levels are breached
PERFORM COMPUTED TOMOGRAPHY (CT) SCANNING OF GALLIUM TARGET CAPSULES	As stipulated on GCC 22.1
Quality of work performed	As stipulated on GCC 22.1

#### GENERAL CONDITIONS OF CONTRACT FOR PERFORMANCE MANAGEMENT

GCC22	<b>22. Penalties</b>
	22.1. Subject to GCC Clause 25, if the supplier fails to deliver any or all of the goods or to perform the services within the period(s) specified in the contract, the purchaser shall, without prejudice to its other remedies under the contract, deduct from the contract price, as a penalty, a sum calculated on the delivered price of the delayed goods or unperformed services using the current prime interest rate calculated for each day of the delay until actual delivery or performance. The purchaser may also consider termination of the contract pursuant to GCC Clause 23.

Please visit <https://www.nrf.ac.za/procurement/General-Conditions-of-Contract> for the detailed GCC's which forms part of the binding contract which will be issued to the awarded bidder.

# 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 institution	State

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

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



related enterprise whether or not they are bidding for this contract?

**YES/NO**

2.3.1 If so, furnish particulars:

.....  
.....

### **3 DECLARATION**

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 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.**

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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.

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 CLAIMED (SBD 6.1)**

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE NRF SCM POLICY AND NATIONAL TREASURY REGULATIONS**

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 NRF SCM POLICY AND NATIONAL TREASURY REGULATIONS.**

**1. GENERAL CONDITIONS**

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

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

1.2.

1.2.1. The value of this bid is estimated not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable

1.2.2. the 80/20 preference point system will be applicable to this tender

1.3. Points for this bid shall be awarded for:

- 1.3.1. Price; and
- 1.3.2. B-BBEE Status Level of Contributor.

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

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

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

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

## 2. DEFINITIONS

- 2.1. **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.2. **“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;
- 2.3. **“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;
- 2.4. **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.5. **“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;
- 2.6. **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- 2.7. **“prices”** includes all applicable taxes less all unconditional discounts;
- 2.8. **“proof of B-BBEE status level of contributor”** means:
- 2.8.1. B-BBEE Status level certificate issued by an authorized body or person;
  - 2.8.2. A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 2.8.3. Any other requirement prescribed in terms of the B-BBEE Act;
- 2.9. **“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;
- 2.10. **“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

Pmin = 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		NO	
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7.1.1. If yes, indicate:

7.1.1.1. What percentage of the contract will be subcontracted.....%

- 7.1.1.2. The name of the sub-contractor.....
- 7.1.1.3. The B-BBEE status level of the sub-contractor.....
- 7.1.1.4. Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES		NO	
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- 7.1.1.5. 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	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		
OR		
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-BBEE 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:

8.8.1. The information furnished is true and correct;

8.8.2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

8.8.3. 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;

8.8.4. 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 –

8.8.4.1. disqualify the person from the bidding process;

8.8.4.2. recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

8.8.4.3. 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;

8.8.4.4. 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

8.8.4.5.	forward the matter for criminal prosecution.
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## NON- DISCLOSURE UNDERTAKING

### 1. DEFINITIONS

- 1.1 **“Associates”** means any individual, company, organisation or any other unincorporated body which is associated with the Receiving Party by partnership, in terms of a sub-contract, or any other form of share equity interest, including any company directly or indirectly controlled by such individual;
- 1.2 **“RFP”** means iThemba LABS - iLABS/RFP2022/23:01 the appointment of a service provider to perform computed tomography (CT) scanning of gallium target capsules for iThemba LABS Cape Town for a period of 12 Months.
- 1.3 **“Confidential Information”** means any information released by iThemba LABS to the Receiving Party in connection with or related to the provision of services in terms of this RFP, unless otherwise in the public domain or otherwise explicitly indicated as non-confidential by iThemba LABS. It is specifically recorded that such Confidential Information may be verbal, written or in an electronic format and includes, but is not limited to information on any technical, commercial, financial, scientific, business information, processes, policies, plans or practices of iThemba LABS, whether such information is formally designated as confidential or not;
- 1.4 **Effective Date** means date of signature;
- 1.5 **“Receiving Party”** means \_\_\_\_\_.

## **2. DISCLOSURE OF INFORMATION**

- 2.1. The Receiving Party acknowledges that it will be provided with Confidential Information in relation to the RFP for purposes of preparation of the services that it will render.
- 2.2. The Receiving Party acknowledges that the Confidential Information is valuable, special and not ordinarily available and that the unauthorized dissemination of such information may violate the privacy rights of third parties or may cause irreparable loss, harm or damage to the reputation of iThemba LABS.
- 2.3. The Receiving Party agrees that it will not, during the course of its association with iThemba LABS, or thereafter, disclose the Confidential Information to any third party for any reason or purpose whatsoever without the prior written consent of iThemba LABS, save in accordance with the provisions of this Undertaking. The Receiving Party may disclose the information only to Associates, employees and professional advisors to the extent that is absolutely necessary and then only on a strictly need-to-know basis, provided that the Receiving Party takes whatever reasonable steps to procure that such Associates, employees and professional advisors agree to abide by the terms and conditions set forth in this Agreement to prevent the unauthorized disclosure of the information to a third party. A failure to secure such an undertaking in writing shall constitute a material breach.
- 2.4. The Receiving Party undertakes not to use the Confidential Information for any other purpose whatsoever than that for which it was disclosed for and in accordance with the terms and conditions of this Non - Disclosure Undertaking.
- 2.5. Accordingly, the Receiving Party hereby agrees to indemnify and hold iThemba LABS harmless against any loss, claim, harm or damage or any other liability of whatsoever nature suffered by iThemba LABS pursuant to a breach by the Receiving Party of the provisions of this Undertaking.

## **3. STANDARD OF CARE**

The Receiving Party agrees that it shall protect the Confidential Information disclosed using the same standard of care that it would apply to its own proprietary, secret or confidential information and that the Confidential Information shall be stored and handled in such a way as to prevent any unauthorised disclosure thereof.

## **4. RETURN OF CONFIDENTIAL INFORMATION**

iThemba LABS may at any time, request the Receiving Party to return any material containing, pertaining to or relating to the Confidential Information disclosed and may, in addition request the Receiving Party to furnish a written statement to the effect that, upon such return, the Receiving

Party has not retained in its possession, or under its control, either directly or indirectly, any such material.

## **5. EXCLUDED INFORMATION**

The provisions of this Non-Disclosure Undertaking shall not apply to any of the following information:

- a) Information that is or becomes publicly known, otherwise than pursuant to a breach of this Non- Disclosure Undertaking.
- b) Information that is disclosed by the Receiving Party to satisfy the order of a court of competent jurisdiction or to comply with the provisions of any law in force from time to time, provided that in these circumstances, the Receiving Party shall advise iThemba LABS in writing prior to such disclosure to enable the Secretary to iThemba LABS to take whatever steps he/she deems necessary to protect the interests of the iThemba LABS in this regard.
- c) Information that is disclosed by the Receiving Party to a third party with written authorization from the iThemba LABS.

**I the undersigned, declare that I have read and understood the contents hereof and am duly authorized on behalf of the Receiving Party to agree to adhere to it at all times.**

**Full Name(s):**

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**Designation:**

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**Signature:**

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**Date:**

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